

XI JINPING THOUGHT ON THE RULE OF LAW AS A GUIDE FOR BUILDING THE LEGAL DISCIPLINARY SYSTEM WITH CHINESE CHARACTERISTICS

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TABLE OF CONTENTS

I. CONSOLIDATING THE THEORETICAL FOUNDATION OF THE DISCIPLINE	151
II. IMPROVING THE STRUCTURE OF LEGAL SUB-DISCIPLINES	154
III. OPTIMIZING MODELS FOR TRAINING AND NURTURING TALENTS	157
IV. PROGRESSIVELY DEVELOPING THE LEGAL TEXTBOOK SYSTEM	159

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Since the 18th National Congress of the Communist Party of China (CPC), the CPC Central Committee with Comrade *Xi Jinping* at its core has creatively put forward a series of new concepts, ideas, and strategies with original and landmark significance on comprehensively advancing law-based governance, thereby forming Xi Jinping Thought on the Rule of Law. In November 2020, the Central Conference on Work Related to Overall Law-Based Governance officially designated Xi Jinping Thought on the Rule of Law as the guiding ideology for the comprehensive advancement of law-based governance. Under the guidance of Xi Jinping Thought on the Rule of Law, China has made significant progress in building its legal disciplinary system. Notable achievements have been made in fundamental theories of the discipline, sub-disciplines, training and nurturing of talents, and discipline-specific textbook publishing. A legal disciplinary system with Chinese characteristics and contemporary relevance is readily taking shape.

I. CONSOLIDATING THE THEORETICAL FOUNDATION OF THE DISCIPLINE

Fundamental theories of a discipline are composed of basic concepts, realms, and axioms of a subject. In recent years, under the guidance of Xi Jinping Thought on the Rule of Law, the legal discipline in China has proactively responded to the practical needs of advancing the rule of law in China and drawn upon the fine traditional Chinese legal culture, leading to the continuous consolidation of foundational theories.

First, implementing the theory of socialist rule of law with Chinese characteristics. General Secretary *Xi Jinping* has emphasized that ‘to comprehensively advance law-based governance, the theory of the rule of

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law plays an important guiding role'. Universities and colleges serve as the important fort for implementing socialist rule of law theory and promoting theoretical innovation in the rule of law. To deliver quality legal education, it is essential to adhere to the path of socialist rule of law with Chinese characteristics and take Marxist legal thought and the theory of socialist rule of law with Chinese characteristics as fundamental guidance. As the latest theoretical achievement in adapting Marxist theories on the rule of law to the Chinese context, Xi Jinping Thought on the Rule of Law represents a major innovation in the theory of socialist rule of law with Chinese characteristics and provides rich theoretical resources for constructing a legal disciplinary system in the new era. For example, Xi Jinping Thought on the Rule of Law has put forward a categorical system covering the path of the rule of law, the rule of law system, constitution-based governance, constitution-based exercise of state power, rule-based Party governance, and the rule of law in foreign-related affairs, laying a solid conceptual framework for building a system of legal disciplines. It has provided scientific answers to a series of theoretical and practical questions concerning the rule of law, and formed a theoretical system that covers various aspects such as the status, structure, operation, relationship, and methods of the rule of law, providing strong theoretical support for establishing a system of legal disciplines. At present, law schools across the country are incorporating Xi Jinping Thought on the Rule of Law into textbooks, classrooms, and minds. Many universities have established research centers for the study of Xi Jinping Thought on the Rule of Law, integrating research forces and resources in a coordinated manner to advance the theoretical interpretation, academic expression, and systematic construction of Xi Jinping Thought on the Rule of Law, thereby producing a number of high-caliber scholarly outputs.

Second, responding to major practical issues in advancing the rule of law in China. General Secretary *Xi Jinping* has emphasized that universities and colleges 'should fully leverage their comprehensive full-range academic strengths and make good use of this talent pool' to 'conduct in-depth analysis of complex realities, draw scientific conclusions, extract universal principles, and provide theoretical support for improving the system of socialist rule of law with Chinese characteristics and advancing socialist rule of law in our country'. In the new era, building legal disciplines should be implemented in close alignment with the practice of comprehensively advancing law-based governance and conduct researches rooted in Chinese culture, based on

national conditions, and oriented toward solving Chinese problems. For instance, General Secretary *Xi Jinping* proposed the concept of ‘the system of socialist rule of law with Chinese characteristics’, a highly original and featured realm based on Chinese practice of the rule of law, and emphasized ‘the need to accelerate the establishment of a complete system of laws, an effective system for the implementation of the rule of law, a stringent system for the supervision of the rule of law, a strong system for the guarantee of the rule of law, and a sound system of Party regulations’. Legal research, which traditionally focused on the system of laws, is now expanding as some universities have established new research directions such as legal studies on social governance and supervisory law. These research areas explore critical segments in legislation, law enforcement, administration of justice, and observance of the law. Emphasis is also placed on rule of law practices in key areas such as national security, scientific and technological innovation, public health, biosecurity, ecological civilization, risk prevention, and major-country diplomacy, along with the legal institutional supply for new technologies, new industries, and new applications.

Third, preserving and developing the fine traditional Chinese legal culture. General Secretary *Xi Jinping* has pointed out that ‘For advancing the construction of legal disciplines, we must follow the tenets of prioritizing our own approach and position, upholding inclusiveness, and highlighting distinctive features.’ China’s ancient legal system contains abundant wisdom and resources, and the Chinese legal system holds a unique place among the world’s major legal families. It is therefore important to inherit and draw upon the essence of Chinese legal culture, absorbing its nourishment and applying it on a selective basis. For instance, *Xi Jinping Thought on the Rule of Law* draws from the traditional belief that ‘establishing good laws leads to good governance’ and further develops the concept of ‘good laws and good governance’. In 2018, the Ministry of Education issued the *National Standards for the Teaching Quality of Undergraduate Programs in General Institutions of Higher Education*, in which the subject of ‘History of Chinese Legal System’ was renamed as ‘History of Chinese Law’, placing equal emphasis on institutional history and the history of thought. A number of universities have also established advanced research institutes such as the Institute of Advanced Studies in Chinese Legal Civilization and the Institute of Chinese Legal System and Legal Civilization to facilitate the creative transformation and innovative

development of fine traditional Chinese legal culture and to support the development of legal disciplines with important cultural value and heritage significance.

II. IMPROVING THE STRUCTURE OF LEGAL SUB-DISCIPLINES

Legal sub-disciplines arise from different objects and scopes of legal research. Under the guidance of Xi Jinping Thought on the Rule of Law, China has steadily developed its system of legal sub-disciplines in recent years, which now includes traditional fields of study within the legal discipline, emerging and interdisciplinary areas, and foreign-related legal discipline. The system follows the norms of knowledge development, features coherent and comprehensive content, and is logically rigorous.

First, the development of traditional legal disciplines has been promoted. The construction of traditional legal disciplines such as jurisprudence, constitutional law, and criminal law has been guided and enriched by Xi Jinping Thought on the Rule of Law in terms of both the scope and development trend. Taking the constitutional law as an example, since the 18th CPC National Congress, General Secretary *Xi Jinping* has attached great importance to the *Constitution*'s role in national governance, giving prominence to the enforcement of the *Constitution* in comprehensively advancing law-based governance, and stated that 'The vitality of the *Constitution* lies in its implementation, and so does its authority.' Constitutional interpretation and constitutionality review are important ways to implement the *Constitution*. This has led to the growing emphasis on constitutional interpretation and constitutionality review as key sub-fields within the study of constitutional law discipline in the new era.

Second, emerging and interdisciplinary disciplines are thriving. General Secretary *Xi Jinping* has stated that 'As the practice of socialism with Chinese characteristics advances, the development of the rule of law must keep pace with it.' Responding to this new call, scholars have been further consolidating the building of emerging disciplines in a sound manner. The studies on the discipline of Party regulations have taken shape and been further consolidated in a systematic way. The system of Party regulations constitutes an important part of the system of socialist rule of law with Chinese characteristics. As pointed out in the *Report to the 19th CPC National Congress*, the organic unity of law-based governance and

rule-based governance of the Party shall be promoted. General Secretary *Xi Jinping* also emphasized that ‘We should give play to the complementary role of law-based governance and rule-based governance of the Party, ensuring that the Party not only governs the country in line with the *Constitution* and laws, but also manages and disciplines the Party strictly in accordance with Party regulations.’ Against this backdrop, universities across the country have accelerated the development of the discipline of Party regulations. By leveraging the interdisciplinary feature of research on Party regulations and integrating basic research with applied research, they provide strong academic support for strengthening the building of Party regulatory systems and governing the Party in accordance with regulations. Efforts have also been made to strengthen the development of the discipline of legal professional ethics. General Secretary *Xi Jinping* noted that ‘A distinctive feature of the path of socialist rule of law with Chinese characteristics is upholding both law-based governance and virtue-based governance.’ To advance comprehensive law-based governance, it is essential to build a high-caliber team of legal professionals with both integrity and professional competence. Legal education should not only aim to enhance students’ legal knowledge but also cultivate their ideological and moral awareness and competence. In recent years, China’s legal disciplines have been largely oriented towards the goal of ‘fostering virtue through education, cultivating both legal expertise and moral integrity, and training a large number of highly competent legal talents’. They have made legal professional ethics a compulsory undergraduate course and emphasized the study of ethical concepts and professional rules among the legal community involving judges, prosecutors, and lawyers. Some universities have even established dedicated teaching and research centers in this field. Moreover, efforts are made to develop other disciplinary fields with contemporary characteristics. Xi Jinping Thought on the Rule of Law emphasizes advancing the modernization of China’s governance system and capacity on the track of the rule of law. In response to the new requirements of the new era, the legal academic community is accelerating the development of emerging disciplines such as social governance law, science and technology law, digital law, climate law, and maritime law. Furthermore, some law schools have developed new curriculum directions such as studies of ethnic law, cultural law, and anti-terrorism law based on the distinctive features of their host universities.

Many issues in various fields and phases of comprehensive law-based governance cannot be solved by the legal discipline alone; they require the joint efforts of multiple disciplines. In recent years, law schools have closely aligned with the needs of national development, availing of the opportunity of ‘new liberal arts’ initiative in a vigorous manner, striving to break the boundaries of traditional disciplines, outdated disciplinary systems, and research paradigms, and actively promoting interdisciplinary integration in response to China’s social reform practices. On the one hand, they have promoted in-depth integration among various sub-disciplines within the academic area of law, actively developed problem-oriented field-specific laws, and focused on researching key issues such as civil-administrative, administrative-criminal, and civil-criminal overlapping areas. On the other hand, with a prioritized orientation towards solving major practical problems, they have promoted interdisciplinary integration and interaction between law and other disciplines such as economics, sociology, political science, psychology, statistics, management, anthropology, cyber engineering, and natural sciences, and established channels for integrated undergraduate and postgraduate training in law as well as in other cross-disciplinary areas to cultivate high-caliber and composite interdisciplinary legal talents.

Third, explorations have been made in disciplines related to foreign-related areas of law. Xi Jinping Thought on the Rule of Law emphasizes advancing the rule of law in domestic and foreign-related affairs in a coordinated manner, calling for accelerating the strategic layout of foreign-related work of the rule of law and strengthening international exchanges and cooperation on the rule of law. Currently, many universities are adapting to the needs of foreign-related practice of the rule of law and a hierarchical talent development system is taking shape, characterized by the integration of general and specialized education as well as the coordination between targeted initiatives and comprehensively holistic coverage. On the one hand, qualified universities are exploring to expand the layout and academic coverage of foreign-related legal disciplines and specialties in international law, international economic and trade rules, comparative law, and regional and country-specific law. They are conducting small-cut and specialized talent training based on their own strengths and the needs of foreign-related departments and institutions of the rule of law, intensifying efforts in demand-oriented and order-based training, and work hard to address the shortage of foreign-related legal talents in key fields. On

the other hand, universities with the autonomy to approve academic degrees are exploring the introduction of first-tier disciplines or master's professional degree categories related to international law in accordance with procedures. Universities with doctoral programs in the first-tier discipline of law are exploring the establishment of second-tier disciplines related to international law in accordance with procedures, so as to improve the talent echelon and degree program tracks from undergraduate studies in international law, and professional master's programs in international legal studies to doctoral programs in international law.

III. OPTIMIZING MODELS FOR TRAINING AND NURTURING TALENTS

Universities and colleges are the primary base for cultivating legal professionals. In recent years, under the guidance of Xi Jinping Thought on the Rule of Law, China has achieved remarkable results in legal education and the cultivation of legal professionals. The cultivation of legal professionals has steadily improved in both scale and quality.

First, ideological and political education in the curriculum has been strengthened. General Secretary *Xi Jinping* noted that 'Work in the field of the rule of law is both highly political and highly professional.' There are issues of politics in the rule of law; there is no rule of law that exists independently of politics. Teachers offering disciplinary core courses for law major students must firm up their ideals and beliefs, and act as steadfast believers, active disseminators, and model practitioners of Marxist legal thought and the socialist rule of law theory with Chinese characteristics. In recent years, the mindset of prioritizing professionalism over ideological and political quality in the training of legal talents has been reversed. Law schools have actively built a curriculum module for law majors under the guidance of an initiative featured with 'comprehensive and systematic ideological and political education with a broad perspective', further advanced the integration of ideological and political education into law courses, and organically incorporated ideological and political education into all aspects of talent cultivation, including curriculum design, classroom teaching, textbook innovation, faculty training, and theoretical research. They have fostered strong ideals and convictions, promoted core socialist values, and enhanced education based upon ideas of patriotism,

collectivism, and socialism, striving to cultivate a contingent of high-caliber legal talents with firm political stance and solid legal knowledge foundation.

Second, we aim to bridge the gap between legal theory education and practical legal training. General Secretary *Xi Jinping* elaborated that ‘The legal discipline is highly practical. Legal education must strike a proper balance between the teaching of legal knowledge and practical legal training. To develop sound legal professionalism, students must first lay a solid foundation in basic legal knowledge, while strengthening practical legal instruction.’ The *Resolution of the CPC Central Committee on Further Deepening Reform Comprehensively to Advance Chinese Modernization* adopted at the Third Plenary Session of the 20th CPC Central Committee explicitly states that ‘We will refine the practice-oriented approach to law school education.’ In recent years, many law schools have stepped up collaboration with legal practical sectors, established various joint training bases for outstanding legal talents, and innovated mechanisms for cultivating legal professionals. For example, the pilot reform class or program with a duration of six years introduced by the China University of Political Science and Law (CUPL) aims to nurture exceptional legal professionals characterized by ‘breadth in knowledge coverage, depth in foundational expertise, application-oriented skills, and cross-disciplinary integration’, which incorporates a dedicated internship semester during the transition from undergraduate to master’s studies, assigns practicing mentors, and arranges internships in judicial organs, enterprises, public institutions, and law firms across the country. Furthermore, since 2022, the CUPL has partnered with the Commission for Political and Legal Affairs of the CPC Central Committee to select practicing professionals from the national political and legal system, designing tailored programs to cultivate the practice-oriented professional doctorate. Currently, many universities have either applied for or are in the process of establishing professional Juris Doctor degrees, further strengthening the practice orientation of legal disciplines.

Third, the training quality of foreign-related legal professionals has been continuously enhanced. General Secretary *Xi Jinping* emphasized that ‘A cohort of qualified legal professionals who are politically reliable, professionally competent, and well-versed in international rules and foreign-related legal practice shall be trained and play their roles at an early date.’ Measures including cooperative education, joint programs, international courses, summer exchanges, and overseas internships

have been introduced by law schools across the country to broaden the international horizon of the law students and increase their awareness of participating in the international interaction of the rule of law. In 2021 and 2022, the Ministry of Education and the Ministry of Justice issued notices announcing the launch of graduate training programs for foreign-related lawyers and international arbitration within the professional master's degree framework. Selected universities were designated to collaborate with arbitration commissions, law firms, and other entities to cultivate foreign-related legal professionals. A number of universities have established research institutions such as foreign law ascertainment centers, the Belt and Road legal research institutes, and regional and country-specific law research centers. Some have even launched corresponding doctoral programs in these fields.

IV. PROGRESSIVELY DEVELOPING THE LEGAL TEXTBOOK SYSTEM

General Secretary *Xi Jinping* emphasized that 'The system of legal disciplines and the system of legal textbooks shall be established as soon as possible.' In recent years, law schools across the country have adhered to the guidance of Xi Jinping Thought on the Rule of Law. By focusing on core textbooks, compiling key textbooks, and developing textbooks with new format, they have actively built a system of legal textbooks with Chinese characteristics. This has effectively addressed issues such as overemphasis on Western legal theories without adequate discernment and critical analysis in textbook compilation and teaching practice, as well as insufficient in-depth research on the socialist rule of law theory with Chinese characteristics.

First, textbooks such as *An Introduction to Xi Jinping Thought on the Rule of Law* shall be properly availed of. Organized by the Publicity Department of the CPC Central Committee and the China Law Society, this key textbook under the Marxist Theoretical Research and Construction Project explains the features, significance, rich connotations, core principles, scientific methods, and practical requirements of Xi Jinping Thought on the Rule of Law, turning out to be a pivotal textbook for law students in universities to systematically study and master Xi Jinping Thought on the Rule of Law.

Second, the pivotal role of key legal textbooks under the Marxist Theoretical Research and Construction Project shall be consolidated in the system of legal textbooks. At present, core textbooks for legal disciplines under the Marxist Theoretical Research and Construction Project, such as *Jurisprudence*, *Constitutional Law*, *Economic Law*, *Administrative Law and Administrative Procedure Law*, *Public International Law*, *Civil Procedure Law*, and *Labor and Social Security Law*, have been published and widely designated as prioritized materials in law schools across the country. These key textbooks continuously incorporate the latest achievements of the socialist rule of law theory with Chinese characteristics, and most of them have been reprinted and distributed.

Third, efforts have been made to advance the consolidation of a series of textbooks on Chinese law. Since the year of 2023, the Teaching Steering Committee for Law Majors in Institutions of Higher Education Under the Ministry of Education has spearheaded the compilation of this series of textbooks. It has selected editorial teams for the first batch of textbooks, including *Legal Professional Ethics*, *Supervisory Law*, *Chinese National Security Law*, and *Foreign-Related Rule of Law*, and has continued to push forward the compilation efforts, which fully reflects the achievements in advancing comprehensive law-based governance.

In summary, to construct a system of legal disciplines with Chinese characteristics, we must adhere to the guidance of Xi Jinping Thought on the Rule of Law in a steadfast manner, earnestly fulfill the responsibility of ‘cultivating talents for the Party and the country’, seize the opportunities presented by the prosperity of the rule of law and legal scholarship in the new era, and further deepen the reform of legal education in the process of further deepening reform comprehensively to advance Chinese modernization. This will serve to cultivate high-caliber legal talents and provide scientific theoretical support for advancing comprehensive law-based governance in the new era.

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(Edited by Zhai Yujia)