

A Preliminary Exploration of Xi Jinping's Thought of Rule of Law in Social Governance

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Abstract

With the continuous construction of the country under the rule of law, the issue of social governance has begun to come into view. On the basis of inheriting and developing Marxism, Comrade Xi Jinping creatively put forward the idea of social governance rule of law on the basis of summing up the rule of law of the Communist Party of China. On the basis of the research of social governance theory, this paper answers what is the rule of law in social governance, how to realize the rule of law in social governance, and what is the value and significance of xi jinping's thought on the rule of law in social governance. Under the circumstance of forming a consensus on the legal level of social governance, we will actively promote the social governance of the country and realize the long-term stability of the country.

Keywords

Xi Jinping; social governance; Rule of law.

1. Theoretical Roots Of Xi Jinping's Thought On The Rule Of Law In Social Governance

1.1. The Origin of Xi Jinping's Thought on Social Governance Is Marxism

Since the Party Central Committee proposed the goal of comprehensively deepening reforms in the Third Plenary Session of the 18th Central Committee, General Secretary Xi Jinping has put forward many innovative theories on the concepts, goals, directions and governance paths of social governance on many important occasions and conversations. These theories are not only based on the historical practice of China's reform and opening up, but also another innovative development of the theory of sinicization of marxism. Although Marx and Engels do not have a clear definition of the meaning of "social governance" in their classic works, in their discourse on "national theory", they believe that in addition to the need to implement political ruling functions, the state also needs to perform corresponding social management. Functions such as providing social security and maintaining state order. At the same time, there is a similar argument in the works written by Marx, "the state needs to enact effective laws to provide legal guarantee for the basic health and safety of the state while ensuring the safety of social production." [1] Not only that, they also put forward their own views on the basic principles of future social governance in *Das Kapital*, that is, "Everyone can develop comprehensively and freely in society". [2] It can be seen that General Secretary Xi Jinping's social governance thought is rooted in Marxist "national theory" and is an extension and development of "national theory."

1.2. The Foundation of Xi Jinping's Thought of Rule of Law in Social Governance Is Marxist Legal Thought

The thought of rule of law has always been a very important part of Marxist theory, and general secretary xi jinping's thought on social governance is rooted in marxist theory, so the foundation of his thought on social governance and rule of law is naturally derived from marxist legal thought. The thoughts of Marx and Engels on the rule of law can be summarized into the following three points: first, law and the state are closely related; Engels wrote in his book: "

"In the early stage of social development, if it is necessary to summarize people's daily repeated production, distribution and exchange behavior, such a repetitive behavior first becomes a habit, and then develops into law, when the law is born, the state will follow as a public institution that performs legal duties in the future.[3] Secondly, "the economic foundation determines the superstructure, so as an organic part of the superstructure, the law is bound by the economic development naturally." [4] The specific discussion is as follows: " the relations of law, like the situation of a country, cannot be understood simply from the appearance, nor can they be understood only based on the general development of human spirit. On the contrary, they are rooted in the material life relations." [5] Third, there is no absolute freedom in the world. All freedoms need to be guaranteed by enacting laws.

1.3. Xi Jinping's Thought of Rule of Law in Social Governance Is the Inheritance and Development of the Thought of Rule of Law of the Communist Party of China

In order to achieve the victory of national revolution and construction, the Chinese Communists linked Marxism with China's actual national conditions and creatively proposed the socialist rule of law theory with Chinese characteristics. In the early days of the founding of the People's Republic, under the leadership of Comrade Mao Zedong, the first constitution of our country was promulgated, in which the basic principles of people's democracy and socialism were defined. After the reform and opening up, "Comrade Deng Xiaoping, after combining the basic national conditions of the primary stage of socialism in our country, has put forward the 16-character principle of legal construction, which is based on the law, must abide by the law, must strictly enforce the law and must be prosecuted for violations of the law." [6] So far, Deng Xiaoping has brought the rule of law to a new historical height. In his idea of rule of law, he emphasizes that democracy and the rule of law are interdependent, and neither of them can be abandoned. On the basis of fully absorbing and inheriting MAO zedong thought and deng xiaoping thought, jiang zemin creatively put forward the slogan of building a "country under the rule of law", he thought that the rule of law is the fundamental way to achieve national governance, only by building a country under the rule of law can we realize socialism, and the communist party of China should be in power according to law. After analyzing and summarizing the rule of law of the above three leaders, Comrade Hu Jintao put forward four requirements for the rule of law in China: First, "the constitution should be the fundamental law of our country, and any law can not be violated." [7] Second, we should accelerate the establishment of a socialist legal system with Chinese characteristics. Thirdly, the vitality of the law lies in its implementation. All Party and government organs should strictly implement their own laws and fully implement the Constitution and laws. Fourthly, efforts should be made to achieve social equity through the construction of the rule of law. It was these outstanding leaders who combined marxism with China's specific national conditions and built a theory of the rule of law with Chinese characteristics that led to today's xi jinning thought. On the basis of inheriting and developing the thought of rule of law of the Communist Party of China, Comrade Xi Jinping put forward the idea of rule of law of social governance.

2. Conditions and Process for the Formation of Xi Jinping Thought on Social Governance and Rule of Law

2.1. The Historical Background of Xi Jinping's Thought on the Rule of Law in Social Governance

With the continuous development of the society, new thoughts and theories are emerging constantly. These new thoughts and theories not only represent the economic development of the era, but also demonstrate the profound cultural deposits. Therefore, xi jinning thought of social governance and the rule of law also reflects its unique background. With the rapid

development of China's economy and the continuous progress of society, some new social contradictions have become more and more prominent, and it is under the summary of these new problems and contradictions that xi jinping's thought on the rule of law in social governance comes into being.

2.1.1. International Background

With the increasing economic strength of all countries, all countries are seeking equal status in the international political pattern. The unitary political pattern that used to be the only one country has gone forever, and the new pattern of diversified international politics is gradually becoming a new world trend. With the continuous enhancement of China's economic strength, its international status is also on the rise. At the same time, other countries with relatively strong comprehensive national strength are also exerting constant pressure to change China's rising momentum. In such a grim national situation, safeguarding national security and enhancing comprehensive national strength have become the top priority of national construction and development. In order to achieve this goal, it is necessary to protect the rule of law. Xi jinping thought on the rule of law in social governance is based on such considerations. Not only the political pattern is undergoing great changes, but also the economic pattern is changing from diversification to globalization. In order to change the economic situation, China is also carrying out bold reform on the domestic economic development mode, the transformation and upgrading of traditional industries, and the germination and development of new industries. But this transformation of economic development is not only faced with the development of domestic pressure, also received the threat from the international community in other developed countries, while in promoting global trade liberalization, but how to under the rules of the trade, protect the steady development of China's national economy, protect the inseparable from the rule of law, need to pass laws to protect the economic development of a harmonious and orderly environment. Xi jinping thought on social governance and rule of law is gradually developed under such economic background.

With the continuous development and development of politics and economy, cultural development is also constantly under the impact of world cultural trends. The impact and integration of new cultural ideas and domestic traditional culture are constantly influencing the formation of Chinese people's world outlook, outlook on life and values. These new cultures not only bring vigor and vitality to our domestic culture, but also bring bad influence to our inherent cultural value. How to face and deal with such a situation correctly needs to have a correct thought and concept of the rule of law. This has posed a new challenge to the rule of law construction in our country. Xi jinping's thought of social governance and the rule of law is also inseparable from this consideration.

2.1.2. Domestic Background

"Build a well-off society in an all-round way, comprehensively deepen reform and the rule of law, the overall governing party, the party since the 18th, with xi jinping, comrade as general secretary of the CPC central committee from global, upholding and developing socialism with Chinese characteristics put forward and form a comprehensive four strategic layout, implementation in governing strategies to keep pace with The Times of new creation, is the combination of marxism with Chinese practice new leap forward. In the grand layout of the 'four comprehensives' strategy, the comprehensive rule of law has written a new chapter in governance. In the great process of coordinating and advancing the four comprehensives, we will embark on a new journey of socialism with Chinese characteristics." [8] In order to achieve the grand goal of building a moderately prosperous society in all respects, we need to strengthen the rule of law.

Reform is the driving force for the continuous development of the society, and the problems and obstacles in the reform process are inseparable from the guarantee of the rule of law. We

should gradually promote the pace of reform through the rule of law, and solve the problems in the reform process by relying on the rule of law. The proposal of the requirement of comprehensive rule of law and strict party governance reflects that there are great problems in China's current legal norm system and legal governance system. We will continue to change and improve it through effective legal reform measures, so as to consolidate China's current legal construction. Xi Jinping thought on social governance and the rule of law is put forward to achieve this goal.

2.2. The Formation of Xi Jinping Thought on Social Governance and the Rule of Law

The formation process of xi jinping's thoughts on social governance and rule of law is always closely related to his political career. The development process of these thoughts, from germination to maturity, reflects his continuous summary and progress from work experience.

2.2.1. Embryonic Stage

Comrade xi jinping served in zhengding county in hebei province and then in fujian province in his early years, which laid the basic starting point of his thoughts on the rule of law. "From April 20 to 28, 1989, xi jinping, then secretary of the local party committee of ningde, stressed the importance of the rule of law at the group discussion meeting of the second session of the seventh session of the people's congress of fujian province, expounded the dialectical unity between democracy and the rule of law, and stressed the importance of both, which should not be ignored. At the same time, "he stressed that the reform of the political system needs to accelerate the pace of socialist democracy and legal construction, constantly improve and improve the system of people's congresses, and gradually push China's political life to the track of legal, institutional and democratic." [9]

2.2.2. Formation Stage

Since xi jinping became the general secretary of the central committee, his thinking on the rule of law has achieved a qualitative leap. Since the party's 18th, xi jinping comrades repeatedly mentioned the problem of the construction of the socialist rule of law, to commemorate the 30th anniversary of the constitution implementation of the convention, he put forward "the eighteenth big stressed that the rule of law is the basic strategy for the party leads the people in the governance of the country, the rule of law is the basic way of governing, to pay more attention to play to the rule of law in the national governance and the important role of social management, promoting the rule of law, to speed up the construction of a socialist country under the rule of law. To achieve this goal, the constitution must be fully implemented." [10] Since then, whether it's the fourth plenary session of the eighteen or speech, jinping comrades have been emphasized the importance of "governing the country according to law", and "the central committee of the communist party of China on promoting the rule of law certain major issue decision", but also the connotation of the rule of law, requirements, objectives, realizing method in detail, such as the system in detail. These are the essence of comrade xi jinping's thoughts on the rule of law, and also the important basis for the establishment of his thoughts on the rule of law.

To sum up, comrade xi jinping's thoughts on the rule of law cover many aspects and set higher requirements for legislation, justice and law enforcement. On the basis of inheriting and developing marxism and leaders' thoughts on the rule of law, his thoughts and contents on the rule of law have become more mature and systematic.

3. The Content of Xi Jinping's Thought on Rule of Law in Social Governance

3.1. The Meaning of Social Governance

Social governance is different from social management. Social governance is a concept of new era significance, which is put forward by the Party Central Committee in analyzing and summarizing various problems encountered in the current social construction of our country. Social governance refers to the state in the process of managing social affairs, government organs, social organizations and economic organizations should cooperate with each other, division of labor and cooperation, to solve social problems together. It emphasizes people's harmony, innovation and initiative. The goal of social governance is to achieve happiness and well-being of the people. As Comrade Xi Jinping mentioned in his speech, "To test the effectiveness of all our work, we must ultimately see whether the people get benefits and whether the people's lives will eventually improve." [11]

3.2. The Content of Xi Jinping's Thought on Rule of Law in Social Governance

3.2.1. What Is The Legalization of Social Governance

"Comrade Xi Jinping pointed out that to promote the modernization of the national governance system and governance capacity is to adapt to the development of the times, that is, to reform the institutional mechanisms, laws and regulations that do not meet the requirements of practical development, and to constantly build new institutional mechanisms, laws and regulations, so as to make all aspects of the system more scientific and perfect, and to realize the Party, the State and the Party. We should institutionalize, standardize and procedural governance of all social affairs, pay more attention to the construction of governance capacity, strengthen the awareness of handling affairs according to system and law, be good at using system and law to govern the country, transform the advantages of various systems into the effectiveness of managing the country, and improve the level of scientific, democratic and legal governance of the Party." [12] From the above paragraph, it is not difficult to see that strengthening and innovating social governance must be carried out on the basis of adhering to the rule of law in an all-round way. The rule of law has become an indispensable part of the process of social governance, whether by improving social governance through the rule of law or by innovating social governance through the construction of the legal system. The state provides rules for social governance through legislation, urges social subjects to actively fulfill their social obligations through law enforcement, and constructs a scientific responsibility distribution system through judicial means. In a word, the rule of law in social governance requires not only the use of law to solve social conflicts, but also the establishment of social justice order, safeguard social justice and build a harmonious society.

3.2.2. The Specific Content of Xi Jinping's Social Governance Rule of Law

(i) Governance according to law

Adhering to the rule of law means adhering to constitutional governance, which is determined by the legal status of the constitution. This includes: scientific legislation, strict administration of justice, fair justice, and law-abiding for all. In order to achieve the goal of legal governance, the first task to be done is to build the law. Only the existence of good law and good law can achieve legal compliance. "At this stage, China's legal system presents the following characteristics: First, it has basically formed in terms of "quantity", and there is still much room for improvement in "quality". Second, due to the stage of development. The limitation of this legal system has the attributes of the primary stage of socialism, and there is still a lot of room for development. Third, the legal system is the existence of objective history, the times are advancing, society is developing, and people will pass history in the future. The magnifying glass to examine today's legal system is naturally a bit more critical and negative. This is a dynamic development of the rule of law. Therefore, even if the socialist legal system with Chinese

characteristics has been formed, it does not mean that the mission of legislative work is over. With the formation of the legal system, people's demands for the rule of law are constantly improving." [13]

First of all, the authority of the constitution should be established. The Constitution, as the fundamental law that all basic laws should follow and implement, should strengthen the implementation of the Constitution. Any law that contradicts the basic principles of the Constitution should be amended. At the same time, in order to guarantee the effective implementation of the Constitution, constitutional supervision should be strengthened. As General Secretary Xi Jinping said in a speech at the 30th anniversary of the enactment of the current constitutional promulgation in the capital, "it is necessary to use the Constitution as the highest legal norm, continue to improve the socialist legal system with Chinese characteristics under the Constitution, and take all national undertakings. And all work is incorporated into the legal system. There are laws to follow, laws to follow, law enforcement to be strict, violations to be lawful, to maintain social fairness and justice, and to achieve institutional and legalization of state and social life." [14]

Second, good governance and good governance. So what is good law? Only by complying with the basic laws of social development and paying attention to laws that protect the fundamental interests of the people is a good law. Then, with good laws, how can we implement it? The most important thing is that there is no rule in the law, and the law has provisions that cannot be violated. Only in this way can we effectively implement the rule of law in social governance. At the same time, in order to achieve good governance in the process of governing according to law, we must also uphold the leadership of the party. Comrade Xi Jinping pointed out: "The relationship between the party and the law is a fundamental problem. If it is handled well, the rule of law will be revitalized, the party will be prosperous, and the country will be prosperous. If it is not handled well, then the rule of law will decline, the party will decline, and the country will decline. The party's leadership is Chinese. The soul of socialist rule of law. To build a socialist rule of law system with Chinese characteristics and to build a socialist country ruled by law, we must stand at the height of the rise and fall of the party and the country, and comprehensively and correctly answer the party's leadership and the rule of law from the combination of theory and practice, history and reality. The relationship issue, in order to more consciously adhere to and realize the party's leadership in the great practice of comprehensively advancing the rule of law." [15]

Finally, whether in the process of enacting laws or in the process of implementing the law, constitutional governance and legal governance should be placed in the primary position, the quality of law making should be strengthened rather than quantitative, and legal supervision in the process of social governance should be strengthened.

(ii) Fair justice

An important part of social governance is justice. Judicature is the last line of defense to protect people's rights and interests, so the justice of the judiciary is of paramount importance. Therefore, Comrade Xi Jinping has raised the topic of judicial justice on many important occasions. "On March 24, 2015, during the 21st collective study of the Political Bureau of the CPC Central Committee, Xi Jinping said that deepening the reform of the judicial system and building a fair and efficient and authoritative socialist judicial system is to promote the modernization of the national governance system and governance capacity. Important measures: Fair justice concerns the vital interests of the people, concerns the fairness and justice of the society, and promotes the rule of law in a comprehensive manner. It is necessary to adhere to the correct political direction of the reform of the judicial system, adhere to the principle of improving the credibility of the judiciary, adhere to the national conditions and follow the judiciary. The combination of laws, persistence in problem orientation, courage to overcome difficulties, strengthen confidence, build consensus, forge ahead, solve problems,

unswervingly deepen the reform of the judicial system, and continuously promote social fairness and justice." [16] It can be seen that the justice of the judiciary determines a society. The level of the rule of law also reflects the achievements of a country's legal system.

In social governance, justice can help resolve social conflicts, adjust social relations, and maintain social order. In order to realize the long-term and goals of social governance, it is necessary to strictly treat every judicial case so that each party can feel judicial justice in judicial trials, thereby improving the authority of the judicial organs of our country and safeguarding social justice. In order to achieve this goal, "Xi Jinping puts forward the judiciary for the people and fundamentally solves the real problem that the people can't afford the lawsuit. The people's masses should be treated seriously, regardless of the big things, and the judicial work style must be taken seriously. Let the people's dissatisfied places be changed and let the people get satisfied. Only in this way, the concept of the judiciary for the people can better run through the entire judicial work, and truly let the people believe in the judiciary and maintain the justice of the society." [17]

In order to achieve judicial justice, it is necessary not only to achieve case justice and substantive justice, but also to ensure the independent exercise of judicial power. Only by guaranteeing the independent exercise of judicial power and reducing external intervention and environmental pressure can we create an independent working environment for the judiciary and judicial personnel to provide institutional guarantee for their independent exercise of their powers. In order to achieve this goal, the CPC Central Committee has strengthened the management of judicial reform and introduced a series of reform measures, such as: improving the intelligence of the CRIC, filing a registration system, unified management system for people and property under the provincial level, and promoting separation of trials and so on. It does guarantee the independence of the judiciary. In the process of achieving judicial independence, we must pay more attention to judicial corruption. Therefore, Comrade Xi Jinping stressed at the Third Plenary Session of the 18th Central Commission for Discipline Inspection that "we must adhere to the determination of punishing corruption with a zero-tolerance attitude, and refrain from smashing drugs and resolving chaos. With the courage to cure the bones and the strong men's broken wrists, we will resolutely carry out the party's work style and clean government building and the anti-corruption struggle to the end. This declares our party's strong will and firm determination on anti-corruption issues, and in-depth promotion of the people's courts' party style and clean government construction. The anti-corruption work pointed out the direction. The courts at all levels must conscientiously study and comprehend the spirit of Comrade Xi Jinping's important speech, insist on punishing judicial corruption with a zero-tolerance attitude, and resolutely curb the spread of corruption in the judicial field." [18]

3.2.3. How to Realize the Rule of Law in Social Governance

In the process of building the rule of law in social governance, the first important factor is the main factor. In the process of social governance, the most important tripartite subjects are government, social organizations and economic organizations. In the process of building a country ruled by law and carrying out social governance, the government bears a very important responsibility. Only the government has the strength and ability to do a good job in the allocation of social resources, the establishment of social order and the solution of social contradictions. The government plays a vital role in the legalization of social governance. Secondly, in the process of the rule of law of social governance, the government wants to play its own important functions and role, not without the help of social groups. In this process, the government and social groups urge, supervise and cooperate with each other, and strive to achieve the good development of the rule of law of social governance. Finally, economic organizations also play an irreplaceable role in the process of social governance. While the existence of economic organizations provides strong economic security for the legalization of

social governance, economic organizations should always pay attention to fulfilling their economic responsibilities and accept the supervision of the government and social organizations.

As Comrade Xi Jinping said: "To truly achieve social harmony and stability, and to maintain long-term stability in the country, we must rely on the system, rely on our high ability in national governance, and rely on high-quality cadres." [19] Therefore, the second important factor is the institutional factor. It mainly includes the following three points: (1) building a government ruled by law. Among the main elements mentioned above, the government is in the first place. Therefore, in order to realize the legalization of social governance, it is necessary to speed up the construction of a government ruled by law so that the government can conscientiously carry out its administrative functions under the leadership of the Party, on the track of the rule of law and under the supervision of the people, so as to promote the society. The legalization of governance. (2) Construction of the rule of law team. The cause of the rule of law in social governance is always indispensable to the construction of the rule of law team. By strengthening the construction of the rule of law team, the main body of social governance is to learn to use the rule of law and the rule of law to solve social governance problems. Through the cultivation of a large number of legal talents, our administrative organs and judicial organs are more elite, and through their efforts, we promote the education of the rule of law in the country, so as to achieve compliance with the law, law-abiding, faith, and usage. Promote the construction of legal basic services in China, and ensure that every participant in the process of social governance can be guaranteed by law. (3) development of the legal system. As mentioned above, the existence of law provides a framework and rules for social governance. Therefore, it is imperative to build a legal system that conforms to the national conditions and the law of social development. A society, the stability of the legal system, can promote the stability of social governance order, can realize social fairness and justice, and lay a good legal foundation for the long-term stability of society as a whole.

4. The Value and Significance of Xi Jinping's Thought of Rule of Law in Social Governance

4.1. New Development of the Thought of Rule of Law in New China

In the process of comprehensively building China under the rule of law, comrade xi jinping, on the basis of summarizing the laws of marxism and the CPC's thought of the rule of law, has made new progress in China's thought of the rule of law based on the various difficulties encountered in China's current social governance process. As an important part of socialism with Chinese characteristics, Xi Jinping's thought of rule of law in social governance is becoming more and more perfect in our country, and the solutions and theories of social governance are becoming more and more abundant. His emphasis on rule of law makes every Chinese people more firm on the correctness of the road of rule of law and strengthens the people. Confidence in the theory of rule of law in China. It is with such theoretical guidance that the process of rule of law in China's social governance has become more and more on the right track.

4.2. Providing Legal Guidance for Social Governance

As for how to solve problems in the process of legal governance, it becomes a difficult problem at present. Xi Jinping's social governance rule of law provides a new breakthrough for social governance at the legal level. It clarifies the important position of the rule of law in the process of social governance and how to solve social governance problems at the legal level. Therefore, Comrade Xi Jinping dared to face the governance problem at the realistic level, actively explored the legal solution to social governance, and provided legal guidance for the state to promote legal governance. Has a strong normative role.

4.3. Promoting The Realization of the Chinese Dream Through the Rule of Law in Social Governance

The Chinese dream is a dream that every Chinese son and daughter wants to achieve. Therefore, everyone should participate in social governance, and the realization of the rule of law in social governance is to urge the participation of all citizens, and to ensure the protection of every citizen in the process of social governance. Fairness and justice, using the lever of the rule of law to adjust the problems in social governance, balance the interests of all parties, resolve conflicts and contradictions, ensure the good operation of social order, ensure the steady advancement of social reforms, and thus promote the construction of the rule of law in China, thereby Promote the realization of the Chinese dream.

To sum up, in the modern society, the social governance matters every social member's happiness in life, is our country to realize stability must be solved an important issue, therefore, we should deeply study comrade xi jinping's important thoughts about social governance under the rule of law, to learn the essence and method, in order to realize the great rejuvenation of the Chinese nation, in order to achieve the Chinese dream of every Chinese people and make unremitting struggle!

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