

On Theory of Education on Socialist Rule of Law with Chinese Characteristics

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Abstract. The theory of education on socialist rule of law with Chinese characteristics underpins the path of the socialist rule of law with Chinese characteristics and the socialist legal system with Chinese characteristics. In this study, the concept and intension of the socialist rule of law with Chinese characteristic is defined, followed by the significance of the theory of education on socialist rule of law with Chinese characteristics. In the subsequent pages, three dimensions of the education are introduced: the popularization of legal knowledge and common sense in the science of law, the cultivation of law-based thinking and capacity, and the formation of the awareness and spirit of the rule of law. In summary, developing and improving the theory of the education on socialist rule of law with Chinese characteristics is of theoretical and practical significance.

Introduction

In October, 2014, the Communist Party of China (CPC) made overall plans to advance all-round law-based governance in China by reviewing and approving the Resolution of the Central Committee of the Communist Party of China on Major Issues Concerning the Enhancement of all-round Law-based Governance at the fourth plenary session of the 18th Central Committee of the CPC. Such a resolution unveiled a new chapter in establishing the rule of law in China, as a batch of new insightful thoughts, ideas, claims and requirements were highlighted for the first time, such as China should unswervingly follow the path of the socialist rule of law with Chinese characteristics, apply the theory of developing socialist rule of law with Chinese characteristics and establish a system of socialist rule of law with Chinese characteristics. Adhering to and advancing the education on socialist rule of law with Chinese characteristics is a crucial matter of theoretical value and practical significance.

Foundation of the Theory of Socialist Rule of Law with Chinese Characteristics

A theory is a system of knowledge, governed by the general principle, uncovering the nature and rule of objectives, as well as the updating and regenerated ideas and knowledge. Therefore, a theory builds on the tested knowledge concerning facts and experience, which stems from general principles [1]. A theory is problem-oriented, for it deals with a specific problem suggesting its practical cause as well as its content. Accordingly, the key to achieve socialist rule of law with Chinese characteristics lies in the theoretical content and methods.

The Rule of Law.

Rule of law as a concept of can be traced back to the remark “rule of law rather than man” made by Pittacus, one of the seven sages of ancient Greek. The concept, interacting with western culture and tradition, has been developed into a mature system framework and diversified cultural identity after generations of evolution from the ancient times to the contemporary era. Today, rule of law has been a universal measure of social progress and political advancement. The concept can be interpreted from the broaden sense and narrow sense. Generally, rule of law refers to the governance theories, policies and thoughts, principles, or institutions and means, which are distinct

from those of the rule of man. In ancient society, rule of law, in spite of building on absolutism, was upheld by the liberal social class members, as it adapted to the social and historic context back then. In narrow terms, rule of law is of modernity, as it generated in modern times, based on market economy, democratic politics and rational culture.

It is also plausible to articulate rule of law in terms of its substantial significance and format significance. Substantially, implementing rule of law seeks to safeguard the freedom and rights of man, and to make a sound definition of power. In the pursuit of these two tasks, the relationship between right and obligation is thus made clear. In this regard, a social organization structure subject to the rule of law or not depends on its law and its pursuit in the above stated substantial significance or not. As for the format significance, it relates to the institutional framework for the substantial significance of the rule of law and the mechanisms for the enforcement of the law, which commonly consist of aiding principles and norms in the rule of law.

Intension of Socialist Rule of Law with Chinese Characteristics.

The theory of socialist rule of law with Chinese characteristics stems from an integration of Marxism on the principles of establishing socialist rule of law and China's pursuit in socialist rule of law. The theory is a system centered with building a socialist country under the rule of law at the backdrop of the reality and circumstances of socialist modern country, the review of China's efforts in establishing the rule of law, the cream of Chinese traditional legal culture, and the theoretical advancement in implementing the rule of law in foreign countries.

The socialist system with Chinese characteristics is the fundamental institution in implementing socialist rule of law with Chinese characteristics and advancing the all-round law-based governance. All the laws, regulations, institutions, mechanisms, thoughts and theories should be built on this foundation. It is rational to perceive the superiority of socialism in three respects: the evolution of human social development, the course of socialist advancement, and the progressive and dynamic view [2]. The theory of socialist rule of law with Chinese characteristics by no means touches upon the general rule of law, but how to establish socialist rule of law in contemporary China, a complicated reality the theory addressed and also the source for improving the theory.

Significance of the Education on Socialist Rule of Law with Chinese Characteristics

Education on socialist rule of law with Chinese characteristics is the center task in developing law-based culture and advancing the process of the rule of law.

A Critical Measure in Enhancing Law-based Governance.

Rule of law comes from nowhere. It is the essence of collective wisdom by generations of CPC members. It is the new thoughts and principles summarized by the CPC committee from the past and the status quo. With the founding of People's Republic of China, the deepening of globalization, the CPC and the government's increasing knowledge on the rule of governance, establishing rule of law has been attached great importance, giving rise to a new era of the all-round law-based governance. Pressing ahead with law-based governance in China closely relates to the education on the ideas of socialist rule of law with Chinese characteristics. At the fourth plenary session of the 18th Central Committee of the CPC, it was pointed out that the authority of law depends on the advocacy and worship among people. The rights of people are safeguarded by the law and people in turn uphold the authority of the law. It is imperative to vigorously promote socialist spirit of rule of law, develop socialist culture in rule of law and foster initiative in practicing the rule of law among social members. Education on the rule of law enhances people's awareness by updating their knowledge on national institution and the function of the law. To this end, it is conducive to promote the theory of rule of law among social members, rendering the authority and the spirit of rule of law sear into people's mind, turning into their enduring belief.

Important Pillar in Developing Socialist Market Economy.

Socialist market economy shares the features of market economy, ranging from equality, competitiveness, openness and legality. Those traits suggest that a sound development of the

economy is associated with powerful legal system. Today, the number of market players is multiplying, with increasing competition and complicating market environment. Therefore, to maintain a level playing field for market players is to bring their practices under the supervision and protection of the law. As a result, these players are supposed to have legal awareness and entitled to full capacity for economic behavior and obligation, and the equal access to rights and obligations as well. Competition is an essential way to obtain the survival of the fittest among market payers. For personal interest, many players seek for their own benefits through unfair competition at any cost and by all means. This is where a rational competition law comes in, which is designed for maintaining a level playing field, crack down on the unfair competition and improve market supervision, so as to give a full play to the market's decisive role in allocating resources.

Promoting Culture of Socialist Rule of Law.

Culture of the rule of law, a matter of institution, is formed based on advancing the rule of law over a long term. "Culture of the rule of law, distinctive from culture of the rule of man, is an advanced cultural pattern stemming from the implementation of the law, which demonstrates the spirit, principles and institution, as well as the thinking and behavior of the rule of law. The nature of the culture of the rule of law is embodied in people's acceptance, advocacy, abidance and obedience." [3] "Socialist rule of law stems from China's implementing the rule of law based on drawing from the cream of traditional Chinese culture and the achievements made by the human in promoting the rule of law under leadership of CPC. It is correspondent to the above mentioned culture of the rule of law in terms of demonstration significance." [4] Culture of the rule of law could be interpreted as a view, a manifestation of the belief and faith for the law. The socialist culture of the rule of law marks the transformation from the rule of man to the rule of law, which serves as the psychological foundation for a society with the rule of law and the impetus for advancing all-round law-based governance. Culture of the rule of law depends on the education in this regard. Accordingly, to the cultivate such culture, it is imperative to integrate education on the rule of law into national education syllabus, and the nationwide education.

Dimensions of the Educational on the Socialist Rule of Law with Chinese Characteristics

Education on the rule of law affects the performance in social governance and social undertakings. It is also an indispensable section of social cultural and ethical progress. Education on the socialist rule of law with Chinese characteristics consists of three dimensions:

Legal Knowledge and Common Sense in the Science of Law.

Legal knowledge and common sense in the science of law refer to the promoting the knowledge of the law, as well as the common sense in the science of law and history of the rule of law.

First, legal knowledge. One of the major tasks in implementing the education on the rule of law is to popularize socialist legal knowledge system, as legal knowledge serves as the fundamental part of the education on socialist rule of law with Chinese characteristics, and also the mission for implementing the education on the rule of law. Second, common sense in the science of law. It covers the concepts, principles, norms and philosophy of the law. Core concepts in the education on the rule of law include the law, right, fairness, equality and freedom etc., indispensable in implementing the education on socialist rule of law with Chinese characteristics. Third, history of the rule of law. Studying the history of the rule of law make people understand the significance and necessity of socialist rule of law with Chinese characteristics, as well as the the logic pattern in the development of the socialist rule of law with Chinese characteristics in human society; therefore, they will have firm belief in the rule of law. In terms of implementing the education on the rule of law, it is imperative to highlight that like other civilizations in human society, there are stages in the course of legal system civilization and legal culture civilization, which is on the premise of continuity of development [5]. Studying the history of the rule of law is to understand the strategic significance of law-based governance from the historic perspective.

Law-based Thinking on and Capacity.

Law-based thinking and capacity constitutes the basic dimension of the education on socialist rule of law with Chinese characteristics.

First, experience in implementing the rule of law. Education on the rule of law hardly restricts to studying legal knowledge, but covers implementing the rule of law so as to develop related experience. The education of the rule of law not only involves knowledge, but also values stemming from life and daily education. [6] Second, the practice in implementing the rule of law. Rule of law is by no means simple. In ever day life, legal cases are of complexity and even contradicted. The practice in implementing the rule of law allows people understand more about the law, and also the difficulty in implementing the law. Third, law-based capacity. Education on the rule of law is expected to form and promote the basic legal skills of people. The law-based capacity consists of the comprehensive law-based from studying the legal knowledge and common sense in the science of law, as well as applying these knowledge and methods into addressing the issues relating to the rule of law in social life and social governance. Cultivating law-based capacity is the ultimate objective of the education on the rule of law, and also primary mission in implementing the education.

Awareness and Spirit of the Rule of Law.

Awareness and spirit of the rule of law is the education on socialist rule of law with Chinese characteristics in respect of values and mind.

First, awareness of the rule of law. Such awareness is part of the education on the rule of law. It is essentially the fundamental criteria of a law-based country or society. If a majority of social members in a country or a society address social problems and disputes by seeking to the law, or process social affairs in the spirit of the rule of law, the country or the society is definitely law-based. Otherwise, it is hardly law-based if the members relate to problem by turning to social connections or violence. Second, the idea on the rule of law. The legal knowledge and concept system that people should learn will lead to right and positive ideas of the social rule of law. Those ideas stem from legal education and understanding the historic background in developing socialist law with Chinese characteristics. Implementing education on the rule of law over a long term allows us to understand that socialist law with Chinese characteristics is the essential and prime solution to governance of human society. Third, spirit of the rule of law. Such a spirit is the higher-level objective of the education on the rule of law. This spirit is deterministic in implementation of rule of law. If a majority of social members act and think in the spirit of the rule of law, the law, legal contract, and the authority of the law are upheld. Hence, in social life, people tend to lawful deeds, abiding the social contract and establish right social order. In implementing the education on socialist rule of law with Chinese characteristics, the following should be highlighted in terms of the spirit of the rule of law: complying with the Constitution; remain committed to social justice; citizens' more presence in civil life; respect the dignity and right of human man; and addressing social conflicts and differences by resorting to the law. Forth, belief in the rule of law. The belief is the highest objective in implementing the education on the rule of law, as well the ideal goal for the undertaking. In such a belief, the rule of law is the default and prime option in social governance. Besides, people believe in the law and pursue a law-based society at the cost of benefit loss, never showing law instrumentalism. This is the most ideal objective in implementing education on the rule of law.

Conclusion

In summary, developing and improving the theory of the education on socialist rule of law with Chinese characteristics is of remarkable significance, which serves as an essential theoretical guidance in the great rejuvenation of the Chinese nation. The theory answers the question regarding what rule and order Chinese people abide by, also theoretically steer the undertakings in build a socialist law-based country as well as all-round law-based governance.

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