

# THE PRACTICAL REQUIREMENTS OF XI JINPING THOUGHT ON THE RULE OF LAW

Fu Zitang & Cui Bo

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Xi Jinping Thought on the Rule of Law has a distinct practical character and majestic practical power. To study and implement Xi Jinping Thought on the Rule of Law, we need to grasp the direction of practice, anchor the practical goals, coordinate practical tasks, stick to practical needs, promote practical innovation, strengthen practice guarantee, transform broad and profound thoughts into a powerful driving force to promote the rule of law, transform the magnificent blueprint concept into a vivid practice of the rule of law in China, and transform the deployment requirements of the scientific system into vivid and tangible highlights.

Xi Jinping Thought on the Rule of Law is the fundamental abidance and

action guideline for overall law-based governance. It has a distinct practical character and majestic practical power. The vitality of theory lies in practice. To study and implement Xi Jinping Thought on the Rule of Law, it is necessary to make it solid on the basis of learning and understanding, transform great and profound thought and viewpoint into a powerful driving force for promoting the rule of law, transform the magnificent blueprint concept into a vivid practice of the rule of law in China, and transform deployment requirements for the scientific system into fresh and palpable effect highlights. To study and implement Xi Jinping Thought on the Rule of Law and strive to promote the construction of the rule of law in China, we need to focus on the following six aspects.

## **I. GRASP THE DIRECTION OF PRACTICE**

Xi Jinping Thought on the Rule of Law scientifically answers the questions of who leads and what path to take in overall law-based governance, profoundly clarifies that the leadership of the Party is the soul of the socialist rule of law with Chinese characteristics, and the path of socialist rule of law with Chinese characteristics is the only correct path of rule of law in China, and points out the right direction for the practice of building the rule of law. To study and implement Xi Jinping Thought on the Rule of Law and grasp the practical direction of overall law-based governance, the first and foremost thing is to unswervingly uphold the Party leadership on overall law-based governance.

We must have a deep understanding of the theoretical logic of upholding the Party leadership on overall law-based governance, and maintain political determination. The leadership of the Communist Party of China is a historical necessity, the people's choice, and a fact of jurisprudence. It is stipulated by the Chinese Constitution, recognized by the Chinese system, and supported by the Chinese people. The leadership of the Party is the anchor for the continuous development of the cause of the Party and the state. The history of the Party and the development history of New China have repeatedly proved that it is precisely because under the leadership of the Party, concentrating the efforts to accomplish great things, the country uniformly and effectively organizes various undertakings and carries out various work, which can successfully cope with a series of major risks and challenges, overcome countless difficulties and obstacles, and always move steadily in the right direction. Therefore, the leadership of the Party is the most essential feature of socialism with Chinese characteristics and the most fundamental guarantee of the socialist rule of law. The Communist Party of China is the world's largest ruling party and leads the world's most populous country. How to hold power and govern well, and how to better organize and mobilize 1.4 billion people to build a modern socialist country in an all-round way is a major issue that always needs to be highly valued. Overall law-based governance must unswervingly maintain the leadership of the Communist Party of China as determined by the Constitution, and adhere to the state

system of the people's democratic dictatorship and the political system of the people's congress system as determined by the Constitution.

General Secretary Xi Jinping emphasizes: 'All Party comrades must bear in mind that the leadership of the Party is the soul of our country's socialist rule of law, and is the biggest difference between our country's rule of law and the rule of law in Western capitalist countries. Without the leadership of the Party, it will be difficult to effectively advance overall law-based governance, and a socialist country under the rule of law cannot be established.' Comprehensively promoting the rule of law is by no means to blur, weaken or even shake or deny the Party's leadership, but to further consolidate the Party's ruling position, improve the Party's ruling methods, enhance the Party's ability to govern, and ensure the long-term stability of the Party and the country. Therefore, the Party's leadership is consistent with the socialist rule of law. The Party's leadership is the most essential feature of socialism with Chinese characteristics and the most fundamental guarantee for the socialist rule of law. Upholding Party leadership is a fundamental requirement for the socialist rule of law and an integral part of the issue of overall law-based governance. Without the leadership of the Party, it will be difficult to effectively advance the overall law-based governance, and the socialist rule of law with Chinese characteristics will become a tree without roots and water without a source.

For some time now, some people have applied Western constitutional

theories to attack the socialist rule of law with Chinese characteristics by using the separation of the three powers and judicial independence. Some others have separated and opposed the leadership of the Party from the rule of law, and put forward false propositions such as 'the Party is greater or the rule of law is greater', 'the rule of man or the rule of law'. In response, General Secretary Xi Jinping gives a clear answer, pointing out: 'There is politics in the rule of law, and there is no rule of law that is divorced from politics. Western jurists also believe that public law is only a complex form of political discourse and the arguments in the field of public law are only an extension of political arguments. Behind each form of rule of law, there is a set of political theory, there is a political logic in each model of rule of law, and there is a political position under each path of rule of law.' The practice of the rule of law in China and abroad shows that there is no rule of law beyond politics. Western countries claim the rule of law as 'political neutrality' and the judiciary as 'judges belong to no party', which is nothing more than a set of self-deception. According to statistics, since 1789, more than 90 percent of the judges nominated and appointed by the President of the United States have partisan backgrounds. The Supreme Court of the United States is also known as the 'political court' and the justices are also known as 'partisans in legal robes'. The road, theory, system and culture of socialist rule of law with Chinese characteristics are the concentrated embodiment of the road, theory, system and culture of socialism with

Chinese characteristics in the field of the rule of law, the law is the unified embodiment of the Party's ideas and the will of the people, the Party leads the people to formulate constitutional law, the Party itself operates within the scope of constitutional law, and the Party's leadership, the people as masters of the country and the rule of law are highly unified. The political motivation behind those wrong arguments is to deny the leadership of the Party and the socialist system with Chinese characteristics. In this regard, we must maintain a high degree of theoretical sobriety, ensure a firm political position, resolutely prevent falling into the rhetoric trap of western rule of law theory, and prevent the rule of law construction from running in the opposite direction and suffering defeat on the verge of victory.

We must deeply understand the realistic logic of upholding Party leadership on overall law-based governance and grasp the political direction. The Communist Party of China has continuously deepened the understanding of the law concerning the Communist Party's governance, the law of socialist construction and the law of human social development, and has made law-based governance the basic strategy of governing the country, and unswervingly following the path of socialist rule of law with Chinese characteristics. Especially since the 18th CPC National Congress, the CPC Central Committee, with Comrade Xi Jinping as its core, has incorporated overall law-based governance into the 'four comprehensive' strategic layout, convened a plenary session of the Central Committee on the theme of

comprehensively advancing law-based governance, and promoted historic achievements in the construction of the rule of law. Since 2020, in the face of the COVID-19 epidemic, the CPC has adhered to advance epidemic prevention and control and economic and social development in a coordinated manner along the path of the rule of law, strongly ensuring that the fight against the epidemic has achieved major strategic results, and China has become the world's only major economy to achieve positive economic growth. The practice has fully proved that only under the leadership of the Party to strictly implement the rule of law, the country can be long-term stable, the people's yearning for a better life can be fully realized, and we can be invincible in the face of various risks and challenges. To promote overall law-based governance, we must not weaken the leadership of the Party, but we must strengthen and improve the leadership of the Party.

We must deeply grasp the practical goal of strengthening the Party leadership on overall law-based governance, and improve the system guarantee. To promote the overall law-based governance in the new era, we must take Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era as a guide, implement Xi Jinping Thought on the Rule of Law, take resolutely maintaining General Secretary Xi Jinping's core in the CPC Central Committee and the whole Party and resolutely safeguarding the CPC Central Committee's authority and the centralized and unified leadership as the fundamental requirements, speed up the improvement of the system and

working mechanism for the Party to lead law-based governance, improve the working mechanism and procedures to ensure that the Party determines law-based governance policy and guideline, and decision and arrangement, accelerate the improvement of the system of laws and regulations within the Party, promote the institutionalization and legalization of Party leadership, and ensure the effective implementation of the Party's line, principle and policy through the rule of law. We should adhere to coordinately advance law-based governance over the country and rule-based governance over the Party, further promote the Party leadership into laws and rules, ensure that the Party not only governs the country in accordance with the constitutional law, but also strictly governs the Party in accordance with the intra-Party regulations, and continuously enhances the Party's ability to lead the law-based governance.

## **II. ANCHOR THE PRACTICAL GOALS**

Xi Jinping Thought on the Rule of Law scientifically answers the question of what is the goal of overall law-based governance, puts forward the overall goal of building a socialist rule of law system with Chinese characteristics and building a socialist country ruled by law, and the goals at all stages of basically finishing the construction of a country ruled by law, a government ruled by law and a society ruled by law by 2035, and achieving the modernization of the state system and capacity for governance by the middle of the 21st Century, forms an objective system of rule of law construction covering all



levels and throughout all stages, and lays out a roadmap for building the rule of law. To study and implement Xi Jinping Thought on the Rule of Law, we must adhere to goal orientation, strengthen benchmarking, and ensure that a blueprint is carried out to the end and that all goals are achieved on schedule.

Benchmark the overall goal and strengthen the top-level design. At the Fourth Plenary Session of the 18th CPC Central Committee, General Secretary Xi Jinping puts forward: 'The overall goal of comprehensively advancing law-based governance is to establish a system of socialist rule of law with Chinese characteristics and build a country of socialist rule of law'. The proposal of the system of socialist rule of law with Chinese characteristics is not only the first time in the Party's history, but it is also original worldwide, and is an original contribution of Xi Jinping Thought on the Rule of Law. To meet the overall goal, in practice, accelerate the formation of a complete legal norm system, efficient enforcement system of the rule of law, strict supervision system of the rule of law, perfect Party and country supervision system, and strong guarantee system of the rule of law, and form a complete system of intra-Party regulations.

Target phased goals and strengthen overall planning. In 2014, the Third Plenary Session of the 18th CPC Central Committee put forward the goal of 'promoting the construction of the rule of law in China', and clarified the direction and path of the construction of the rule of law. In 2017, the 19th

CPC National Congress made a new top-level design for the promotion of China's socialist modernization construction in the new era, and proposed a two-step strategic arrangement for finishing building a great modern socialist country in the middle of the 21st Century. In early 2021, following the release of the Implementation Outline for the Construction of a Law-based Society (2020-2025), the CPC Central Committee officially released the Construction Plan of Law-based China (2020-2025) (hereinafter referred to as the Plan). The Plan sets three levels of goals for building the rule of law in China: The near-term goal of the development of the rule of law to be achieved by 2025 is defined as 'The system and mechanism for overall law-based governance under the Party leadership are more sound, the socialist legal system with Chinese characteristics with the Constitution as its core is more complete, the system of government governance with clear responsibilities and law-based government administration is increasingly sound, the mechanism for the operation of mutually cooperative and mutually restricted judicial powers is more scientific and effective, significant progress is made in building a law-based society, intra-Party regulations are more perfect, and a system of socialist rule of law with Chinese characteristics is initially formed'; The medium-term goal of building the rule of law to be achieved by 2035 is defined as 'the rule of law for the country, the government and the society are basically built, a system of socialist rule of law with Chinese characteristics is basically formed, the people's right to equal participation

and equal development is fully guaranteed, and the modernization of the state system and capacity for governance is basically realized'; The long-term goal of the construction of rule of law in China is defined to achieve that 'The legal norms are scientific, complete and unified, the law enforcement and justice is fair, efficient and authoritative, the power operation is effectively restricted and supervised, the legitimate rights and interests of the people are fully respected and guaranteed, the belief in the rule of law is generally established, and the rule of law for the country, the government and the society are fully established'. This is the first special and comprehensive strategic development plan on 'building the rule of law in China', which puts forward a clear task book, timetable and road map for overall law-based governance and building the rule of law in China, it marks a new stage of development in building the rule of law in China in the new era. Under the scientific guidance of Xi Jinping Thought on the Rule of Law, strict implementation of the deployment requirements of the Plan will surely promote the construction of the rule of law in China in the new era to write a new chapter in history.

### **III. COORDINATE PRACTICAL TASKS**

Xi Jinping Thought on the Rule of Law clearly defines the work layout and important links of overall law-based governance, emphasizes that overall law-based governance is a systematic project, should be planned as a whole, and paid more attention to the system, integrity and synergy, and formulates

a task book for the practice of building the rule of law. To carry out Xi Jinping Thought on the Rule of Law, we must strengthen the concept of system, enhance forward-looking thinking, overall planning, strategic layout and overall promotion. Grasping the layout of the work, pursuing coordinated progress in law-based governance, law-based exercise of state power, and law-based government administration, and promoting the integrated development of the rule of law for the country, the government and the society. General Secretary Xi Jinping points out: Accurately grasping the layout of the work of comprehensively advancing law-based governance, pursuing coordinated progress in law-based governance, law-based exercise of state power, and law-based government administration, and promoting the integrated development of the rule of law for the country, the government and the society. Comprehensively advancing law-based governance is a huge systematic project, we must take a holistic view, grasp the key points, make a holistic plan, make efforts in the common promotion, put forth the strength in the integration construction.' The Outline of the 14th Five-Year Plan for National Economic and Social Development and the Long-range Objectives through the Year 2035 of the People's Republic of China passed by the Fourth Session of the 13th National People's Congress on March 11, 2021 stipulates: 'Unswervingly following the path of socialist rule of law with Chinese characteristics, pursuing coordinated progress in law-based governance, law-based exercise of state power, and law-based

government administration, promoting the integrated development of the rule of law for the country, the government and the society, and implementing the plan for building the rule of law in China.’ If the system of socialist rule of law with Chinese characteristics is the center of the construction of the rule of law in China, pursuing coordinated progress in law-based governance, law-based exercise of state power, and law-based government administration, and promoting the integrated development of the rule of law for the country, the government and the society constitute two basic points in the construction of the rule of law in China. First of all, ‘coordinated progress and integrated development’ embodies the overall thinking of putting overall law-based governance in the overall work of the Party and the state to think and plan, which is a major theoretical and practical innovation based on a deep grasp of the historical orientation of the construction of socialist rule of law and the practical needs of governing the country, providing a fundamental abidance to grasp the overall working pattern in the arduous task of building the rule of law. Secondly, ‘coordinated progress and integrated development’ embodies the systematic thinking of overall deployment and coordinated promotion, condenses General Secretary Xi Jinping’s profound insight into the historical stage of the construction of the rule of law and the current situation task, and is a scientific idea and effective way to advance overall law-based governance. Thirdly, ‘coordinated progress and integrated development’ embodies the

dialectical thinking of the unity of goal guidance and key breakthrough, is a scientific summing-up based on the uniqueness and regularity of the construction of socialist rule of law, is an incisive conclusion based on China's reality, summing up China's experience and answering China's questions, and further clarifies the direction of the construction of the rule of law in China in the new era. Law-based governance, law-based exercise of state power, and law-based government administration are an organically connected whole, the three are essentially consistent, their goals are integrated, the results are related, they must mutually unify, jointly promote, and form a joint force; the rule of law for the country, the government and the society are interrelated, support each other and complement each other, and together constitute the three pillars of building the rule of law in China.

Grasping the important links, advancing sound lawmaking, strict law enforcement, impartial administration of justice, and the observance of the law by everyone. Xi Jinping Thought on the Rule of Law deeply answers the question of how to advance the construction of the rule of law in China, and also scientifically clarifies how to promote all important links in overall law-based governance in the new era. The CPC has experienced a long-term process of exploration and practice for the understanding of each important link and its position of comprehensively advancing law-based governance. As early as September 1956, at the 8th CPC National Congress, in response to the serious problems that existed in the construction work of China's legal

system at that time, Dong Biwu proposed for the first time that 'acting in accordance with the law was the central link for us to further strengthen the people's democratic legal system', and for the first time, concisely summarized the basic requirements of the socialist legal system into two aspects: 'There are laws to go by' and 'The laws are observed'. In December 1978, Deng Xiaoping pointed out in his important speech entitled Emancipate the Mind, Seek Truth from Facts and Unite as One in Looking to the Future at the Central Working Conference: 'To ensure people's democracy, we must strengthen our legal system. Democracy has to be institutionalized and written into law, so as to make sure that institutions and laws do not change whenever the leadership changes, or whenever the leaders change their views or shift the focus of their attention ... All this will ensure that there are laws to go by, that they are observed and strictly enforced, and that violators are brought to book.' 'There are laws to go by, they are observed and strictly enforced, and violators are brought to book', these four aspects constitute an organic whole that is interrelated and interdependent, which has become the '16-character guideline for building the socialist legal system'. The 18th CPC National Congress places the construction of the rule of law in a more prominent position, emphasizing 'comprehensively advancing law-based governance' and clearly states that 'the rule of law is the basic method for China's governance. Ensuring sound lawmaking, strict law enforcement, impartial administration of justice, and

the observance of the law by everyone. Adhering to that everyone is equal before the law. There are laws to be observed and strictly enforced, and violators are brought to book.’ The 19th CPC National Congress further points out that overall law-based governance is a profound revolution in national governance. It is necessary to adhere to promoting the rule of law, and ensure sound lawmaking, strict law enforcement, impartial administration of justice, and the observance of the law by everyone. ‘Sound lawmaking, strict law enforcement, impartial administration of justice, and the observance of the law by everyone’ becomes the ‘new 16-character guideline’ to guide the construction of the rule of law in China.

In terms of lawmaking, the people’s current expectations for lawmaking are not whether there are laws or not, but whether they are good or not, whether they work or not, and whether they can solve practical problems. It is necessary to strengthen democratic lawmaking and law-based lawmaking, adhere to the simultaneous implementation of lawmaking, reform, abolition, and interpretation, strengthen lawmaking in key areas, and improve the quality of lawmaking. In terms of law enforcement, effectively solving outstanding issues such as irregular, non-strict, opaque, uncivilized law enforcement, nonfeasance, and disorderly conduct, and earnestly safeguarding public interests, people’s rights and interests, and social order. In the judiciary, seizing key links, making unremitting and patient efforts, earnestly enhancing the quality, efficiency and public credibility of judicial



work. In respect of law observance, focusing on enhancing the concept of the rule of law for everyone, improving the reward mechanism of law observance and good faith and the punishment mechanism of illegal and dishonest acts, so that respecting, studying, trusting, observing, applying and protecting the law become the common pursuit of every one.

#### **IV. STICK TO PRACTICAL NEEDS**

Xi Jinping Thought on the Rule of Law scientifically answers the questions of what is the rule of law for and how to promote it, emphasizes the need to better play the role of the rule of law in consolidating the foundation, stabilizing expectations, and benefiting in the long term, ensures that the construction of the rule of law is for the people, relies on the people, benefits and protects the people, and points out the main direction for the practice of building the rule of law. To study and implement Xi Jinping Thought on the Rule of Law, it is necessary to combine the 'rotation' of the construction of the rule of law with the 'revolution' that serves the central work of the Party and the state, combine the construction of the rule of law for the people with relying on the people, always advance in coordination with the overall situation of the Party and the state, and win the support from the people.

Responding to the new requirements of the new development stage, and escorting for the promotion of high-quality development and the construction of a new development pattern. Standing at the historical

intersection of the Two Centenary Goals, the Fifth Plenary Session of the 19th CPC Central Committee makes a systematic plan and strategic deployment for economic and social development during the '14th Five-Year Plan' period and the long-range objectives through the year 2035, clearly puts forward the theme of promoting high-quality development during the '14th Five-Year Plan' period, and makes systematic and innovative arrangements on how to promote high-quality development. In the process of advancing high-quality development, the rule of law plays an important function of consolidating the foundation, stabilizing expectations, and benefiting in the long term, and it is necessary to implement Xi Jinping Thought on the Rule of Law into the whole process of overall law-based governance. Development must be of high quality, lawmaking, law enforcement, and administration of justice must also be of high quality, and the rule of law with high quality must be applied to guide and ensure high-quality development.

In terms of lawmaking, focusing on grasping the new development stage, implementing the new development concept, and constructing the rule of law in the new development pattern, actively adapting to the new situation and new requirements of economic and social development, and providing a strong legal guarantee for generating new development momentum and stimulating new development vitality. Innovation is the first driving force for development. To stimulate and protect innovation, serve and promote high-quality development, and meet the needs of the people for a better life

through legislation, it is necessary to build a complete intellectual property law and regulation system, and strengthen the consistency among the patent law, copyright law, anti-monopoly law, and other intellectual property protection laws; giving full play to the leading role of the People's Congress in legislative work and the guiding and promoting role of legislation, continuing to promote the system and mechanism innovation, striving to improve the quality and efficiency of legislation, and promoting high-quality development through high-quality legislation. It is necessary to thoroughly implement the new development concepts of innovation, coordination, greenness, openness, and sharing, strive to promote high-quality development, build a new development pattern, actively promote legislation in key fields, fill in gaps, make up weaknesses, and timely study the legislation of new technology fields such as digital economy, internet finance, artificial intelligence, big data, cloud computing, ensure the healthy development of new business forms and new models, improve the legal system urgently needed by national governance and the legal system necessary to meet the people's growing needs for a better life.

In terms of law enforcement, it is necessary to improve the level of administration according to law, promote strict, normative, fair and civilized law enforcement, implement the provisions of the Civil Code on the protection of intellectual property rights, accelerate the creation of a market-oriented, law-based, and internationalized business environment, break

industry monopoly and local protection, open up blocking points of the economic cycle, and promote the formation of a nationally unified, and standardized and orderly market system for fair competition. Focusing on promoting high-quality development and building a new development pattern, government departments must become the defenders of market rules, and place more emphasis on market-oriented and law-based methods, give full play to the decisive role of the market in resource allocation, better play the role of the government, create a long-term stable and predictable legal environment. It not only emphasizes the use of market-oriented and law-based methods, but also better exerts the role of the government. It requires government departments to focus on solving market failures and undertake basic responsibilities such as market supervision, public services, social management, and environmental protection, and strengthen law enforcement in key areas with environmental pollution, infringement on intellectual property rights, and interference with public interests. At the same time, government departments should strengthen supervision of law enforcement, use rule of law thinking and means to guide market behavior, reduce externalities through cost internalization, build a high-standard market system, improve the intellectual property protection system, stimulate the vitality of market entities, and create conditions for the formation of a sound market environment with fair competition.

In terms of administration of justice, to fully implement the new

development concept and promote high-quality development, it is necessary to improve the legal guarantee system for social fairness and justice to provide a strong judicial guarantee for a good start in comprehensively building a modern socialist country. We should continue to improve the abilities of political judgment, understanding and execution, take precise steps to promote high-quality development and build a new pattern of development, closely follow the decisions and arrangements of the CPC Central Committee, focus on key tasks such as building a powerful country with science and technology, optimizing the business environment, strengthening property rights protection, promoting fair competition, implementing major national strategies, and expanding opening up to the outside world, give full play to the incentive effect of intellectual property trials on innovation, explore to lead green development by using judicial methods, improve the judicial protection mechanism for development results, strengthen judicial protection of the legitimate rights and interests of domestic and overseas-funded enterprises, and create a market-oriented, internationalized, and law-based business environment. It is necessary to deepen the reform of the judicial system, adhere to the problem orientation, discover and solve problems in the reform, consolidate the results of the reform, continue to promote the reform, focus on solving the outstanding problems that restrict the judicial efficiency, and promote the construction of the transparent and open judicial mechanism; accelerate the professional

construction of the rule of law team, carry out in-depth education rectification of the political and legislative team, strictly implement the prohibition against interference with ironclad judicial regulations, severely punish judicial corruption with a zero-tolerance attitude, enhance the level of refinement, digitization, and scientization of trial management, and firmly keep the quality which is the lifeline of the trial work; focusing on judicial issues in the new stage of development, adhere to lead fair justice with Xi Jinping Thought on the Rule of Law, pay more attention to system concepts, rule of law thinking, and strong foundation orientation, strengthen forward-looking thinking, overall planning, strategic layout, and overall advancement, enhance system integration, coordination and efficiency, and be good at using judicial means to safeguard legitimate rights and interests, and provide powerful judicial guarantees for implementing new development concepts, building a new development pattern, and promoting high-quality development.

In the meantime, Xi Jinping Thought on the Rule of Law responds to the new needs of the people in the new era, insists on putting the people at the center, and provides legal guarantees to satisfy the people's yearning for a better life. With the continuous development of China's economy and society and the continuous improvement of people's living standards, the people's requirements for democracy, the rule of law, fairness, justice, security, environment, and other aspects are increasing. To advance overall law-based

governance, we must firmly grasp the fundamental purpose of protecting the rights and interests of the people in accordance with the law, actively respond to the new demands and new expectations of the people, systematically promote the resolution of prominent problems that the people have strongly raised in the rule of law, and strive to make the people feel fair and just in every legal provision, every law enforcement decision, and every case handling, and constantly enhance the people's sense of gain, happiness, and security.

## **V. PROMOTE PRACTICAL INNOVATION**

Xi Jinping Thought on the Rule of Law scientifically answers the question of how to advance and how to innovate overall law-based governance under the new situation, emphasizes that efforts should be made to properly handle the relationship between reform and the rule of law, adhere to modernize the state system and capacity for governance along the path of the rule of law, and inject strong impetus into the practice of building the rule of law.

The rule of law and reform have an inherent and inevitable connection. The two complement each other and develop together, like two wings of a bird and two wheels of a cart. Some major reforms that occurred in ancient China are all the change of old laws and the establishment of new laws, so they are also called 'law reforms', such as the Reform of Shang Yang in the Warring States Period, the Reform of Wang Anshi in the Song Dynasty, and

the Reform of Zhang Juzheng in the Ming Dynasty, etc.

The relationship between reform and the rule of law is embodied in promoting the reform under the rule of law and improving the rule of law in the reform. Since the 18th CPC National Congress, General Secretary Xi Jinping has made a series of important statements on the relationship between reform and the rule of law, emphasizes that comprehensively deepening reform requires the guarantee of the rule of law, and comprehensively advancing law-based governance also requires deepening reform; we should give full play to the role of the rule of law in guiding and promoting reform, ensure that major reforms are based on law, promote reform along the path of the rule of law, and apply the rule of law to build consensus on reforms, lead the reform direction, standardize the reform process, resolve reform risks, and consolidate the results of reform; advance the reform in an orderly way, do not advance what should be authorized by law, effectively improve the ability and level of applying the rule of law thinking and methods to promote reforms, and be good at thinking about problems, making judgments, and taking measures by applying the rule of law thinking and methods. At the same time, the reform of the rule of law must be included in the overall plan for comprehensively deepening reforms. Correctly handling the relationship between reform and the rule of law. As China's reform enters a critical and in-depth review period, the relationship between reform and the rule of law urgently needs to solve some new



problems and correct some misunderstandings, especially the relationship between reform and lawmaking. One view is that reform is to break through the forbidden zone of the law, reform should be on the way, and the law should give way; another view is that the law must maintain stability, authority, and appropriate lag, and it is difficult for the law to lead reform. Both views are biased and should be corrected. We need to persist in the unity and linkage of reform decision-making and legislative decision-making, and ensure that reform and the rule of law achieve a benign interaction. Legislation actively adapts to the need of reform, and actively plays the role of guiding, promoting, standardizing, and guaranteeing reforms, so that major reforms are based on law, reforms and the rule of law are advanced simultaneously, and the penetration of reforms is enhanced. Reform experience and effective reform measures proved to be relatively mature in practice should be upgraded into laws as soon as possible, and reform should be carried out after the original laws are revised, interpreted or repealed; important legislative matters that are relatively controversial among departments should be promoted and coordinated quickly, and resolutions should not be delayed for a long time; for those that are not yet mature in terms of practical conditions and need to be tested, they must be authorized in accordance with legal procedures to carry out reform pilots in certain areas. It is neither allowed to break through the legal red line at will, nor is it allowed to delay the reform simply on the ground that the existing law has no basis;

existing laws and regulations that do not meet the requirements of the reform should be revised or repealed in a timely manner, and some outdated legal provisions should not be allowed to become an obstacle to reform.

Giving play to the promoting role of reform and the guarantee role of the rule of law, and implementing the new development concept. In the new development stage, implementing the new development concept and realizing the transition of the economy from high-speed growth to high-quality development. We need to innovate means and be good at promoting the implementation of the new development concept through reform and the rule of law. General Secretary Xi Jinping emphasizes that the establishment of a new concept is always accompanied by the destruction of the old concept, just as the saying goes, there is no making without breaking. The implementation of the new development concept involves a series of changes in thinking, behavior, and work methods, as well as a series of adjustments in working relationships, social relationships, and interest relationships. Without reform, one can only sit and prattle about the general principle, and ultimately you will not be able to reach the other side. The Central Committee's plans for comprehensively deepening reform are linked to the implementation of the new development concept, and in the course of implementation, the principled requirements in the Central Committee's reform plan can be further specified in the light of actual conditions. When encountering blank points in the reform plan, we can actively explore and

boldly experiment; when encountering ideological resistance and work resistance, we must work hard to eliminate them, never give in or compromise, and never relax our morale and give up halfway. 'We need to make an in-depth analysis of the new requirements of the new development concept on building the rule of law and the prominent problems encountered in the implementation of the new development concept in the field of rule of law, and take targeted measures to implement the new development concept by applying the thinking and methods of the rule of law.'

In dealing with the relationship between development and the rule of law, we must correct the misunderstanding that the rule of law should give way to development, and put an end to the chaos of neglecting legislation and giving up law enforcement. To implement the new development concept and achieve the transition from high-speed growth to high-quality development, we must adhere to the rule of law as the guide. It is an important development concept that clear waters and green mountains are invaluable assets. In response to the CPC Central Committee's handling of the ecological environment incident in the Qilian Mountain National Nature Reserve in Gansu, General Secretary Xi Jinping points out: 'Regulations on the Management of Qilian Mountain State Nature Reserve has undergone three amendments, and some of the provisions have always been inconsistent with the Regulations of the People's Republic of China on Nature

Reserves. It is the neglect of legislation and the abandonment of law enforcement that lead to the serious damage of the Qilian Mountain ecosystem. Such lessons must be deeply learned.’ The rule of law should be connected with development decision-making and actively integrate the needs of development. It is necessary to deeply analyze the new requirements of the new development concept for the construction of the rule of law, and apply the spirit of reform and the thinking of the rule of law to solve the outstanding problems encountered in the implementation of the new development concept in the field of rule of law, so that development better leads the rule of law, and the rule of law better promotes development. In short, to implement Xi Jinping Thought on the Rule of Law, we need to strengthen innovation guidance, deepen reform in the field of the rule of law, and provide a strong guarantee for effectively responding to major challenges, withstanding major risks, overcoming major obstacles and resolving major contradictions.

## **VI. STRENGTHEN PRACTICE GUARANTEE**

Xi Jinping Thought on the Rule of Law scientifically answers the question of who promotes and how to ensure overall law-based governance, and emphasizes the need to develop a contingent of high-caliber legal personnel with moral integrity and professional competence, and ensure that leading officials, though small in number, play a key role in implementing the rule of law. General Secretary Xi Jinping points out: ‘Leading officials at all levels, as

persons who exercise the ruling power of the Party and the legislative, administrative and judicial powers of the state, to a large extent determine the direction, path, and progress of overall law-based governance. The Party leads lawmaking, guarantees law enforcement, supports justice, and takes the lead in observing the law, which is mainly manifested and realized through the specific actions and work of leading officials at all levels. Therefore, the key to achieving the goal and task of comprehensively advancing law-based governance is that senior officials are models of respecting, studying, observing and applying the law.'

After the political line is determined, officials are the decisive factor. Leading officials at all levels, as persons who exercise the ruling power of the Party and the legislative, administrative, supervisory and judicial powers of the state, shoulder important responsibilities in advancing law-based governance, play an important demonstration role, to a large extent determine the direction, path, and progress of overall law-based governance, and affect the speed, depth, and breadth of overall law-based governance. Senior officials are the key to overall law-based governance. Therefore, we must attach great importance to leading officials as the top priority in the practice of overall law-based governance, and leading officials, though small in number, must play a key role in overall law-based governance.

Xi Jinping Thought on the Rule of Law emphasizes that leading officials should be models of respecting, studying, observing and applying the law.

General Secretary Xi Jinping points out: 'As the ancients said, people take officials as their teachers'. If leading officials do not respect, study, observe and apply the law, the people will see and remember it, and will follow suit in their actions. If leading officials respect, study, observe and apply the law, the people will respect, study, observe and apply the law. If leading officials put on airs, it is impossible for the civilians to believe in them. As the saying goes, 'when a ruler is correct in his words and deeds, there is no need to issue orders. Everyone naturally stands up to follow him, and the decree will be carried out unimpeded. If a ruler does not act properly, people will not obey even if he gives orders.' As planners, participants, and demonstrators of social management and public services, how much leading officials know the law, whether they respect the law or not, how much they observe the law and how strong they enforce the law, play an important guiding and exemplary role in the process of socialist rule of law in China, and should be attached great importance. Ensuring that leading officials, though small in number, play a key role in overall law-based governance, and requiring that leading officials at all levels should be models of respecting, studying, observing and applying the law. In China, the belief, determination and act of leading officials at all levels are of great significance to comprehensively advance law-based governance.

Leading officials must be models of respecting the law, taking the lead in respecting the rule of law and the law. General Secretary Xi Jinping

emphasizes that 'respecting the law should be put first. Because, to enhance the awareness of the rule of law and improve the attainment in the rule of law for leading officials, the issue of respect for the law must first be resolved. Only when they respect the rule of law in their hearts can they behave in compliance with the law. Only the rule of law engraved in people's hearts is the truly unbreakable rule of law.' Every leading official must firmly uphold the basic concepts of the rule of law, such as the constitutional law is supreme, everyone is equal before the law, and the power is determined by law and exercised according to law. Every leading official must completely abandon the ideology of the rule of man and the consciousness of chief, and never resort to using words or authority to override the law. Leading cadres must step forward and fight resolutely against all kinds of behaviors that endanger, undermine and trample on the rule of law. An official has a high or low ability, but he must be strong in observing discipline and law, and there must be no difference. General Secretary Xi Jinping emphasizes that even if a person has great ability, if he does not have a strong sense of the rule of law and does not observe the rules, he cannot be a leading official, which must be held first.

Leading officials must be models in studying law, and take the lead in understanding and mastering the law. Studying and understanding the law is the prerequisite for observing and applying the law. Only when leading officials study and understand the law can they make clear and grasp the

basis for exercising power and carry out the work correctly. Leading officials must systematically study the theory of socialist rule of law with Chinese characteristics, accurately grasp the Party's basic position on dealing with the rule of law, and fully understand the important position and role of the rule of law in modernizing the state system and capacity for governance. Leading officials should not only study the Constitution, but also study the laws and regulations closely related to their leadership work. They should know how to exercise power as prescribed by law, what they can do and what they cannot do, and should not be legally illiterate. The law serves as the basis for the exercise of power, many things are clearly stipulated in the Party discipline and state laws, which should be studied and read by leading officials to take the laws to heart and reflect those laws in their actions and deeds, tightly hold the rule of the law in the hand, and know the standards required for officials. Many leading officials who violate the law and behave recklessly have not studied or understood the law for a long time. An important reason why many corrupt officials go into the abyss of corruption is that they do not know the law.

Leading officials must be models of observing the law, take the lead in observing discipline and law, and defending the rule of law. 'Leading officials must take the lead in practicing the core socialist values, and use practical actions to drive the whole society to uphold morality, and respect and observe the law.' They must keep in mind that the legal red line cannot be



crossed and the legal bottom line cannot be touched, and take the lead in observing and implementing the law. The thinking of rule of law must be applied in planning work, the method of rule of law must be used to deal with problems, whether it is legal or not must be considered first when speaking and doing things, and for those that are uncertain, it is necessary to look up how the Party discipline and state laws are stipulated, and ask legal experts and advisers to help check. Party discipline and state laws cannot be 'plasticine' or 'scarecrow'. Whether it is due to 'law illiterate' leading to violations of law and discipline, or deliberate violations of regulations and laws, they must be held accountable. Under the rule of law, no one can take any chance, and no one can expect extralegal favors. There is no privileged credential of immunity.

Leading officials must be models of applying the law, take the lead in promoting the rule of law, and acting in accordance with the law. The respect for the rule of law and the reverence for the law must be transformed into the ways of thinking and behavior, so as to think about problems, make decisions, and do things under the rule of law, not outside the rule of law, let alone above the rule of law. Leading officials at all levels must earnestly strengthen their awareness of the system, take the lead in safeguarding the authority of the system, and set an example for the implementation of the system.

General Secretary Xi Jinping also emphasizes that leading officials at all

levels must continuously improve their ability to use rule of law thinking and methods to deepen reforms, promote development, resolve contradictions, maintain stability, and respond to risks. First of all, it is necessary to include the quality of the rule of law and the performance of duties in accordance with the law into the important content of the assessment and evaluation of officials, and the ability to observe the law and acting in accordance with the law is an important content for inspecting officials and an important condition for identifying and using officials, so that respecting, studying, observing and applying the law becomes officials' conscious behavior and essential quality. Secondly, powers must be established, regulated, restricted, and supervised in accordance with the law. Leading officials, though small in number, play a key role in implementing the rule of law, and must truly resolve the true proposition of 'the power is greater or the law is greater'. Power is a double-edged sword; exercising it along the path of the rule of law can benefit the people, while exercising it outside the law will inevitably harm the country and the people. Therefore, power must be placed in the cage of the system. If the dam of the rule of law is broken, the abuse of power will be like a flood. Party and government organizations and leading officials at all levels must resolutely abandon these erroneous views of power, and deeply realize that the power in their hands is endowed by the Party and the people, is controlled by bounds, and cannot be done at will. We must take the promotion of the rule of law as a fundamental policy, establish, spread,

and abide by the rules of the operation of power, so that whoever despises the law and tramples on the rule of law will inevitably be punished by the law. Thirdly, ensuring that leading officials, though small in number, play a key role in implementing the rule of law. Improving leading officials' thinking of the rule of law and ability to act in accordance with the law. Leading officials must observe the law and abide by procedures, which is the first requirement of the rule of law; they must bear in mind that the power is legally prescribed, understand where power comes from and where it is delimited, perform statutory duties, cannot do anything not authorized by law, and in particular, must clarify the specific duties that the main leaders of the Party and government must perform in promoting the construction of the rule of law; they must insist on putting the people at the center, keeping in mind that the essence of the rule of law is human rights, and the purpose of exercising power is to safeguard the rights and interests of the people. Fourthly, leading officials must accept supervision, and must be accustomed to applying power under supervision. At the same time, we must strengthen the construction of the legal supervision system for leading officials, focus on strengthening the supervision of senior officials, especially the main leading officials at all levels, improve the internal supervision system of the leadership team, and solve the problem of supervision of 'top leaders' and supervision of the same level. This is not only the supervision of the exercise of power by leading officials, but also the institutional protection for the

correct exercise of power by leading officials.