

Interpretation of the Cultivation Factors of Contemporary Chinese Legal Belief

Xuguang Liu^{1, a}

¹Shanghai University of Political Science and Law, Shanghai, China

^a2407436331@qq.com

Keywords: legal belief; legal system; fairness and justice; country ruled by law; spirit of law

Abstract. As the inner meaning of law, faith plays an important role in the construction of the rule of law. The cultivation of contemporary Chinese legal beliefs, according to the second element of Aristotle's rule of law, must first have a good law, that is, to build a sound legal system and to carry out effective implementation. In addition, the general law-abiding of citizens depends on the formation of a spirit of fair political rule of law in the process of building a country under the law. Focusing on contemporary China, under the premise of constantly improving the socialist legal system with Chinese characteristics, it is even more important to let the operation of legal standardization be implemented. And in the whole society to create a situation of promotion and pursuit of the spirit of fairness and justice.

1. Introduction

The individual's legal beliefs are the individual basis and psychological preparation for the formation of social legal beliefs. The formation of the entire social legal belief mainly focuses on the integrity and implementation of the overall legal system, and the instillation and cultivation of the rule of law on fairness and justice. As a form of belief in the law of positive obedience and admiration for the whole society, the legal beliefs of the whole society must have at least the following elements, and find ways and means to cultivate social legal beliefs from these several factors.

2. Improvement and implementation of the legal system

2.1 Improvement of the legal system

First of all, independent unity. As a social system, the legal system has its independence and is different from other social norm systems. As a whole, the law system is a harmonious and consistent system, rather than a complicated accumulation of norms. The unity of the legal system manifests itself as a coordinated unity of requirements and realizations based on multiple differences and diversity. For an independent legal system, different legal departments within the system, different legal levels, different specific legal norms, and the whole and part, etc., must be interconnected, cooperated and restraint with each other. This coordination is the essential feature of the legal system. In short, the independence and unity of the legal system is the basic requirement of logic. The independence is mainly for the difference between the legal system and the other social system. The unity is the logical consistency of the legal norms within the system for the legal system. As a feature of the legal system, independent unity illustrates the logical rationality of the legal system.

Second, the completeness of the structure. Recognizing the independence and unity of the legal system, first, focus on the internals of the legal system. That is to say, regarding the unity of the legal system, the legal system is also structural and complete. The legal system is a logical and rigorous structural system. Many legal parts and specific legal norms are organized organically and orderly according to a certain logical structure. An independent and unified legal system should at least include levels such as basic norms, constitutions, general legal norms, and individual legal norms. Specifically, from a horizontal perspective, the legal system can juxtapose several legal

departments of different categories, each of which has its core principles, and the basic legal principles of the contract between each legal department point to the legal system. From a vertical perspective, the legal system is divided into different hierarchical levels according to its level of effectiveness, and the law of low ranks cannot resist the legal effect of the upper ranks. The structural characteristics require the internal structure of the legal system to be a continuous and complete structure. That is, because the legal norms involve or manage the normative social field, which is constantly developing and changing, the legal system requires continuous improvement and development with the changes in the material and economic conditions of the society, so that it is legally regulated in a timely and efficient manner, so that it has laws to follow.

Third, rational construction and openness. The independence and unity of the legal system focuses on the outside. We know that "the emergence of the legal system is by no means a completely self-generated process. It needs to construct a reasonable and perfect legal system through human rationality or subjective initiative;"^[1] Or some scholars believe that "the formation of the legal system is the result of scientific abstraction and classification of the current legal norms by legal scholars in a certain country."^[2] The legal system is by no means a self-generated original legal norm system. The formation of the legal system is inseparable from the rational logical construction or assumption. It is necessary to refine and think about the specific social material living conditions, so that the construction of specific legal norms can meet the requirements of unity within the legal system. The openness of the legal system is based on the independence and unity of the legal system, due to the inevitable political and moral factors of the law. The perfection and development of the legal system cannot go to the interpretation of purely logical ideas, but actively to face specific social material living conditions, as well as political awareness, moral ethics and other factors.

2.2 Implementation of the law

The freedom, efficiency and fairness of law must also follow the order value of law in the face of social legal beliefs. That is to say, the social order guarantee of the law is the basic element of the formation of social legal beliefs. The implementation of the legal system as a guarantee of order is the external condition for the formation of social legal beliefs.

First of all, as a law of order guarantee, if the law is to become a common object of society, the law should not only adhere to the principle of order and justice, but must also be implemented by the people, and can benefit the people and give the people a sense of well-being. Fairness and justice as the basic value pursuit of socialist law with Chinese characteristics, the fairness and justice of the law must ensure equality before the law, and establish and guarantee the fairness of rights, the fairness of opportunities, the fairness of the process and the fairness of results. Among them, the fairness of rights means that in the eyes of the law, any civil rights protected by law are not differentiated by the differences in the social status of citizens; The fairness of opportunity refers to the opportunity for citizens to participate in all social affairs in a social life and share the results brought about by it; the fairness of the process refers to the participation of citizens in political, economic and other social activities. The process must be open and transparent; The fairness of the results is mainly at the national level. The income distribution must take into account the interests of all citizens and prevent the polarization of being too disparate in order to achieve the goal of common prosperity pursued by socialist construction.

Secondly, as a law guaranteeing order, it is necessary to make the law a common belief of the society. The administrative judicial acts of the state organs and the relevant state staff must take the lead in demonstrating the law and obeying the law and creating a good environment for the rule of law. We must establish a sound and effective power restriction and supervision system to restrain corruption, especially judicial corruption; establish a fair and authoritative judicial and law enforcement system to provide a reference model for the whole society; In the context of the increasingly deepening of daily life in the network, we must also pay attention to the legalization of cyber democracy, so that under the conditions of low cost and high efficiency, citizens can better realize their right to know and participate. Only in this way can we better promote the compliance

of the state staff with the law, and thus create a good environment for the rule of law, in order to implement the requirements of promoting the legal beliefs of the whole society.

Third, as the implementation of the law of order guarantee, we must pay special attention to the procedural justice of the law. That is, the law must reflect procedural justice. The construction of any kind of system is inseparable from the attention of the program function, and the better program can fully reflect the core value of the system in operation. In the basic theory of law, the so-called procedure refers to the process, method and relationship of making certain decisions made by legal acts. The independent value of the program and the independent program value form the two cornerstones of the modern program concept. Therefore, the function of legal procedures is essentially an external form of cultivating legal beliefs. If legal procedures enable people to understand the law and consciously and kindly resist the act of “avoiding the law” and “drilling the legal loopholes”, then the legal belief can be implemented from the legal process justice.

3. Literature references

The formation of social legal beliefs requires the observance and implementation of the rule of law at the social and national levels. This is the external condition and realistic basis for the formation of social legal beliefs. For the cultivation of social and legal beliefs at the social and national levels, it is also necessary to pay attention to the spirit of cultivating the rule of law at the spiritual level. In the field of state governance and social management, social legal beliefs are manifested in the rule of law belief with the spirit of the rule of law.

The so-called rule of law spirit is mainly based on the rule of law in the operation of state power, the rule of law in the management of social order, and the legal authority in the process of legal operation. The cultivation of social legal beliefs must eradicate phenomena or behaviors in which the human condition is greater than the law, the policy is greater than the law, the power is greater than the law, and the law is not respected, the execution of law is not strict, or even break the law with acknowledge to it. The laws and regulations of a country are mainly implemented through state administration and judicial organs. The laws and regulations of a country are mainly implemented through state administration and judicial departments. If the executive authorities can strictly enforce the law and the judicial departments can obtain judicial access fairly, then the majority of citizens will consciously abide by the law. First of all, judging from the administration of the administrative departments, we must vigorously strengthen the legal quality of administrative staff. Secondly, it is necessary to strengthen the restriction and supervision of power, clarify the power boundaries between the administrative departments themselves and each other, have clear responsibilities, perform their duties, and be accountable. Finally, the procedures for the exercise of power must be made public in advance, so that the administrative, judicial, and law enforcement processes are open and transparent, so that the results of administration, justice, and law enforcement are convincing and enforceable, and effective supervision is formed. To implement and embody the rule of law in the judicial field, justice must be achieved, and the most crucial thing is that the judiciary (trial) must be independent. Based on this, a public power restriction system is constructed.

First of all, "restrict power by law." Restricting power by law means limiting the execution of public power to the scope of the Constitution, laws and regulations, and prohibiting the execution of law without authorization. This is the usual practice in modern countries ruled by law. In the process of building a “government-driven” rule of law country, the formulation of laws is strongly influenced by government preferences. However, due to the awakening of citizens' rights awareness and the diversification of interest pursuits, citizens have begun to participate in legislation extensively. China has established a relatively complete legal system in the process of building a country ruled by law, which means that the "scientific legislation" has been resolved. The main task of the next step is to achieve the goal of “strict enforcement” through an effective “scientific legislation” incentive mechanism and a punishment mechanism that violates the law. Secondly, "restricting power by power" is the main means of achieving checks and balances of power. Power is restricted by power, that is, through the power checks and balances and supervision mechanisms

adopted by the state's political system itself to regulate the operation of power. Third, "restrict power by rights." Restricting power by means of rights, that is, by guaranteeing the rights of citizens, realizing the restriction and supervision of public power. From the perspective of the generation of rights and the guarantee mechanism, rights can play a role in restricting power. Under the system of democratic politics, representative system and electoral system are important ways to realize "restricting power by rights." We need to further promote the improvement of the people's congress system and the electoral system. In addition, another way to "restrict power by rights" is the legal remedy of rights being infringed by public power. Of course, such legal remedies are also related to "restricting power by power." If we can achieve the combination of "restricting power by law", "restricting power by power", and "restricting power by right", the control objectives of law can be realized, and the rights of citizens can be guaranteed.

The law belief with the law as the spiritual meaning is the performance of legal beliefs in the field of social management and state governance. A correct understanding of the law and the spirit of law have important theoretical significance for the formation of social legal beliefs. In the whole society, we must carry forward the spirit of the law. It is necessary for the ruling party to govern in accordance with the law and to govern the country according to law. The government must be in accordance with the law, and the broad masses of the people consciously abide by the law and administer the country according to law. "When the whole society regards the law as a way of life, the rule of law China will be formed." This judgment also reflects that China's law construction is moving to a new stage: After the formation of the socialist legal system with Chinese characteristics, cultivating the spirit of the rule of law and conserving the culture of the rule of law become a new standard for measuring the rule of law civilization and a new impetus for the advancement of the rule of law. ^[3]

4. Summary

In summary, by examining the basic elements of the formation of social legal beliefs, we can implement the cultivation of social legal beliefs according to these elements. Under the guidance of relevant factors, the implementation of these basic elements requires the law in the whole society to be orderly and justice, to reflect the protection of citizens' rights and to strengthen the overall social orientation and unremitting pursuit of the construction of society ruled by law in the management level of entire social order.

Acknowledgement

This article is based on the Shanghai Higher Education Society Planning Fund Project hosted by the author, "New Media Micro-Class Promotion of Xi Jinping's New Era of Socialism with Chinese Characteristics": "Ethical Cultivation and Legal Basis" Course (Project No.: GJEL1870) Phased research results.

References

- [1] Chengliang Zheng. Jurisprudence [M]. Changchun: Jilin University Press, 1999: 76-77.
- [2] Hongyi Ge. Jurisprudence [M]. Beijing: China University of Political Science and Law Press, 2002: 258-259.
- [3] People's Daily Review Department. Let the rule of law become a national belief [N]. People's Daily, 2013-03-01 (005).