

Research on Cultivating the Ability of Governance by Law in Epidemic Prevention and Control

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Abstract—Law-based governance capacity is a practical subject in the building of law-based government in tackling a major epidemic and a theoretical subject for probing deep into national governance system and modernization of governance capacity. Against the background of advancing law-based governance in all fields, epidemic prevention and control should also follow the path of rule of law, which requires the functional support of law-based governance capacity. The level of rule-based governance capacity directly constitutes the key variables for differentiated results on epidemic prevention and control. The core principle of law-based governance capacity is law-based thinking and means. To cultivate law-based governance capacity, we should try to enhance proficient application of legal cognition and approach, establish and perfect the government legal advisor system, and cultivate social rationality.

Keywords—major epidemic; rule of law; law-based governance capacity

I. INTRODUCTION

Epidemics test not only Party consciousness and conduct, but also the law-based governance capacity of the Chinese government. During the prevention and control of novel coronavirus outbreak, Party committees and governments at all levels can basically fulfill their duties according to law, remained united, and tide over difficulties together with people. However, in the prevention and control of the epidemic, quite a few problems have occurred to the law-based governance capacity and are worth reflecting on. Therefore, we urgently need to enhance the law-based governance capacity of government to promote the building of law-based government in handling major outbreak of epidemics based on reality so that Party committees and governments at various levels can coordinate and advance various work and protect our country responsibly and conscientiously. Law-based governance capacity is a practical subject in the building of law-based government in tackling the current major epidemic and a theoretical subject for probing deep into national governance system and modernization of governance capacity.

II. DEFINITION OF LAW-BASED GOVERNANCE CAPACITY

Generally speaking, the capacity for governance according to law refers to the ability of the subject of power to have a rule

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of law thinking that can use the rule of law to deal with problems. There are two ways to understand this concept: First, in the sense of politics. The capacity for governance of the rule of law mainly refers to the ability of the subject of power to resolve social contradictions by using the thinking and methods of the rule of law. Second, in the sense of law. The capacity for governance of the rule of law mainly refers to the subject of power has the ability to rule by law and the subject of power can use various legal methods to resolve specific disputes. Social contradiction is a collective concept. It is difficult to summarize a specific contradiction as a social contradiction. Therefore, resolving social contradictions is a political requirement. And the use of legal methods to resolve specific contradictions is a rule of law. All aspects are important and must not be partial. Advancing the modernization of capacity for governance of the rule of law is a kind of political wisdom. Combining the capacity for governance of the rule of law in the sense of politics and law is even more significant. The formation of the capacity for governance of the rule of law requires not only the thinking and belief in the rule of law, but also the ability to resolve conflicts and resolve specific disputes using the rule of law or legal method. The capacity for governance of the rule of law in the sense of politics is based on the capacity for governance of the rule of law in the sense of law, and it is also a transformation of the capacity for governance of the rule of law in the sense of law in political decision-making; Without the capacity for governance of the rule of law in the sense of law, the capacity for governance of the rule of law in the sense of politics is only a label or slogan.

III. THE INTERNAL RELATIONSHIP BETWEEN LAW-BASED GOVERNANCE CAPACITY AND LAW-BASED EPIDEMIC PREVENTION AND CONTROL

China is a socialist country based on the rule of law. Epidemic prevention and control must be carried out on the track of the rule of law. Improving the capacity for governance of the rule of law is an inevitable requirement for the rule of law in epidemic prevention and control.

On the one hand, the rule of law in epidemic prevention and control requires the functional support of the capacity for governance of the rule of law. The epidemic is a “mirror of reality.” It can reflect both the good and evil of human nature, and the advantages and disadvantages of China’s governance. On the surface, the epidemic caused by COVID-19 is a crisis in the public health field; but at a deeper level, the epidemic is a

major test of the national governance system and capacity. It involves national political security, economic security, and social security, and has a bearing on the vital interests of the broad masses of the people. General Secretary Xi Jinping emphasized that the epidemic prevention and control is the most strenuous time, the more we must adhere to prevention and control in accordance with the law, coordinate and promote various prevention and control work on the track of the rule of law, and ensure the smooth development of epidemic prevention and control. It can be seen that the prevention and control of the epidemic cannot be separated from the track of legalization and the functional support of the capacity for governance of the rule of law.

On the other hand, the level of the capacity for governance of the rule of law directly constitutes a key variable in the difference in the results of epidemic prevention and control. When the country is "smoothly developing", the harm caused by the low level of the capacity for governance of the rule of law is not obvious; However, when countries face a major epidemic of COVID-19, the harm is obvious. For example, there is a problem that the Wuhan government's failure to announce the COVID-19 epidemic situation in time has led to the miss of the best prevention and control time, and the Wuhan government's weak response to the epidemic and the shortage of material allocation, and the problem of the smooth connection between the government and the public. All these incidents show that the government has certain problems in the capacity for governance of the rule of law. If Party and government organizations and public servants lack the rule of law thinking and a scientific and responsible attitude, there will be a series of decision-making errors and improper measures in the handling of major incidents, which will trigger the domino effect and cause excessive damage to the country's vitality and major losses in people's lives and property.

IV. THE PATH FOR THE CULTIVATION OF LAW-BASED GOVERNANCE CAPACITY IN THE GOVERNANCE OF EPIDEMIC PREVENTION AND CONTROL

Comprehensive national governance by law is a prominent strength in the socialist national system and national governance system with Chinese characteristics. In order to advance comprehensive national governance by law and make governance by law a basic mode for management of national and political affairs, it is necessary to conduct modernized and legalized transformation of the national governance system and realize all-round improvement in the party's and governmental governance by law. Under this background, how to cultivate the ability of governance by law?

A. Enhance Awareness of Laws and Proficient Application of Legal Methods

The ability of governance by law is closely correlated with construction of a law-based government. National laws, regulations and systems are mainly implemented by governments of different levels based on governmental governance by law. Through many years of edification by law popularization education, ideas concerning governance by law are basically accepted by the majority of people. However, "law" recognized by many people is only limited in legal

norms. And, people often neglect legal values, legal methods and ideological rules of governance by law behind legal norms. Therefore, cultivating the ability of governance by law shall be started from accurate awareness of laws and proficient application of legal methods.

Firstly, it is necessary to teach power entities of governance by law the methods for recognizing laws accurately. "Law" in governance by law not only concerns basic legal knowledge, but also involves legal values, legal methods and ideological rules of governance by law. As suggested by some scholars in the past, power entities of governance by law shall learn laws for three months before taking office. The suggestion is somewhat rigorous, but appears to be reasonable. Through 3 months' learning of laws, certain acquaintance of law-based systems will be formed. It may be difficult to know each legal item very well, but the power entity can still know about the rough legal framework as well as relevant legal systems and spirits in governance by law. In case of lack in due awareness of laws, it is impossible to apply ideas and modes of governance by law, isn't it? Therefore, with correct awareness of laws and understanding of legal methods, the ability of governance by law can be enhanced.

Secondly, power entities of governance by law shall be cultivated to apply legal methods proficiently. Proficient use of legal methods requests long-term professional training, especially the training for legal thinking modes. It is well known that in order to enhance the ability of governance by law, we must solve social conflictions with ideas of governance by law as well as the modes for governance by law, but in fact it is mainly accepted in a conceptualized manner, while social conflictions are rarely solved through conversion of ideas of governance by law to modes of governance by law according to requirements of governance by law. The major reason is that the idea concerning the ability of governance by law in the politics sense plays a dominant role. In other words, a lot of party and government organizations and relevant public officers emphasize defenses of political power, but lack ideas of governance by law in the law-based sense and professional foundations of legal methods. As described by them, the ability of governance by law is more like a political rhetoric, but remains far from satisfying the real requirements for governance by law. Therefore, cultivating the ability of governance by law shall request the training of some legal knowledge and methods in the professional legal fields.

B. Establish a Perfect Governmental Legal Counselor System

There is another mode for improving the ability of governance by law, namely seeking for assistance from legal professionals based on a governmental legal counselor system. Through combination of legal theories and practice, governmental legal counselors can propose legal and effective legal opinions, so as to make governmental decision making more scientific, prevent or solve legal risks in governmental decision making and improve the governmental ability of governance by law.

At present, the legal counselor system in China has not realized balanced development, so the country shall make in-depth top level design and further advance perfection of the

governmental legal counselor system all around China. Firstly, responsibilities of governmental legal counselors shall be defined. Specifically, responsibilities of governmental legal counselors shall be legalized, namely the state needs to define the responsibility scopes of legal counselors of governments on different levels. Secondly, the management mechanism for governmental legal counselors shall be perfected. Work of governmental legal counselors shall be normalized and standardized, so a perfect management mechanism needs to be established as soon as possible. It involves a public and transparent selection mechanism, a scientific, efficient management mode and a systematic, effective incentive evaluation mechanism. Thirdly, a right guarantee mechanism of governmental legal counselors shall be perfected. Rights of governmental legal counselors shall be guaranteed thoroughly, which can advance better performance of responsibilities.

C. Cultivate Social Rationality

The ability of governance by law shall be supported by social rationality. In other words, besides enhancement of the ability of governance by law, it is also necessary to improve social rationality. Governance by law can hardly be realized if the social is irrational, and problems cannot be solved without rational modes. What is social rationality? It means that individuals in a society shall pursue maximization of own interests through collective maximization paths. Social rationality is not owned by an individual separately. Instead, it is jointly owned by many individuals in a society. Despite of associations with individual rationality, social rationality is different from instincts of individual rationality. Pursuit of maximization by social rationality along the public interest maximization paths depends on knowledge, remaining a result of settlement of knowledge learned by people in their brains. Therefore, it is feasible to cultivate social rationality.

At first, it is necessary to cultivate citizens' ability to understand essences of individual interest maximization. Constituted of many individuals, a society cannot take shape without these people. Meanwhile, people rely on the society. Because of the human sociality, people can realize their own development only during promotion of social progress. The most fundamental association between individuals and a society is the relationship between individual interests and social public interests. As centralized embodiment of individual interests, social public interests can reflect the fundamental, overall and long-term needs of all the social members. Individual maximum interests can only be satisfied through maximization of social public interests. If an individual only cares about maximization of his/her own interests or even satisfies his/her own interests by damaging others' interests or the social public interests, the society people rely on can hardly realize progress, while he/she will turn collapsed due to expansion of infinite and selfish desires. Therefore, only social rationality can realize the path of public interest maximization in case of interest conflicts.

Secondly, citizens shall be cultivated to possess the basic traits of public interest optimization. At present, the prevention and control of the COVID-19 epidemic influence life safety and physical health of millions of people. Life safety and physical health are pursuits of both the individual and social

public interest maximization. In order to pursue individual interest maximization along the path of public interest maximization, citizens shall possess the following traits. (1) Trait of cooperation: The best way for promoting development of the whole society is to make two or more cooperation parties obtain optimal benefits through an optimal sharing mode in cooperation. Without cooperation, no collective can be formed, let alone social rationality. (2) Trait of integrity: From the perspective of economics, integrity is a rational choice made by a subject to pursue own interest maximization. Besides reducing the trading cost greatly, integrity can also bring down preventive or cautious investment, further promote social labor division and reduce consumption of social resource. From the perspective of sociality, integrity is the foundation for people to live and work in peace and also the profound social foundation and supporting for national governance. (3) Trait of perceiving others: The trait for social rationality to perceive others happens to tally with Confucian principal of benevolence and loyalty, namely "what you do not wish yourself, do not do unto others". As requested by social rationality, citizens in social life shall "consider others' consciousness, care about others' interests and avoid bringing harm to others during selection of language and behaviors. Besides, they shall possess inclusiveness of values, consider rationality in others' good ideas while emphasizing correctness of their own good ideas, maintain an open cultural attitude" [3], and converge their own interest appeals to social public interests through introspection and balancing. (4) Trait of assuming social responsibilities: Based on people's demand natures and existence natures of fortunes, treasure can be divided into two forms in general, namely private fortune form and public fortune form. It is parochial to pursue maximization of individual private fortune interests only. In fact, only through organic combination and harmonious coexistence of private fortunes and public fortunes, interests can be maximized and optimized. Besides satisfying demands of many people, public fortunes can provide happiness for everyone in a social community. Therefore, individuals shall assume social responsibilities in supply and saving of public fortunes, so as to realize win-win results.

V. CONCLUSION

Law-based governance capacity is a practical subject in the building of law-base government in tackling a major epidemic and a theoretical subject for probing deep into national governance system and modernization of governance capacity. Under the background of advancing law-based governance in all fields, epidemic prevention and control should also follow the path of rule of law, which requires the functional support of law-based governance capacity. The level of rule-based governance capacity directly constitutes the key variables for differentiated results on epidemic prevention and control. Comprehensive national governance by law is a prominent strength in the socialist national system and national governance system with Chinese characteristics. In order to advance comprehensive national governance by law and make governance by law a basic mode for management of national and political affairs, it is necessary to conduct modernized and legalized transformation of the national governance system and realize all-round improvement in the party's and governmental governance by law. Firstly, awareness of laws and proficient

application of legal methods should be enhanced. Secondly, a perfect governmental legal counselor system should be established. Thirdly, social rationality should be cultivated.

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