

Study on the Legal Protection of the Rights of Vulnerable Groups in Society

Chunyang Xu ¹

¹ Jiangxi College of Foreign Studies, Nanchang, Jiangxi, 330099
59624917@163.com

Keywords: Legal Protection; Rights; Socially Vulnerable Groups

Abstract. With the development of economic and social, a series of social problems emerged in front of us, one is the social vulnerable groups problem. It becomes the important factors that affect social development and stability. Use the law to protect social vulnerable group and it is significance to build a well-off society in an all-round way and build a harmonious society.

Introduction

With the development of economy and society, a series of social problems appeared in front of us, one of which is the issue of socially vulnerable groups. Sociology, political science and other disciplines have carried out in-depth research on social issues. To protect the rights of vulnerable groups, for the moment to build a stable and harmonious society and our society has a very important social significance. While for the realization of the development of human rights law and justice, etc., have a very important legal significance; for the stable development of our society and the sustainability of a very important practical significance.

Disadvantaged Groups for social studies starting in, also mainly in the field of sociology, has made a considerable amount of research. On the issue of socially vulnerable groups, sociology can identify problems, but how to solve them through the system can not do anything. Legal normative research object because just can compensate for the lack of sociological research, the characteristics of the law in its pursuit of justice and stability characteristics, the protection of vulnerable groups in society have an irreplaceable role, from a legal point of view to analyze the socially vulnerable groups, with the legal means to protect vulnerable groups in society, is to socially vulnerable groups standardized and institutionalized, to protect vulnerable groups in society have more operational and normative. Research on the field of law has been gradually will study the problem of socially vulnerable groups into the deepened.

From the existing research point of view, the issue of socially vulnerable groups of research focuses on the following aspects Legal aspects: First, in the sociological sense of socially vulnerable groups of the premise, to further tap the Law significance of socially vulnerable groups. Finally, to explore the most is the system design for the legal protection of vulnerable groups in society. Discuss how to run through the various legal aspects of legislation, law enforcement, judicial, institutional measures how specific social security system, the judicial system and other assistance to vulnerable groups in society will be protected by standardized and institutionalized.

Socially Vulnerable Groups on Legal Sense

Socially vulnerable groups with respect to society in terms of powerful groups, people in society's competitiveness depends on the following two factors roughly one is the fact that factors, such factors as physical factors, mental factors, family background factors. While another determining factor is the institutional factors, rational system designer can form a number value of things, most important of which is the legal rights recognized by law. We summarize these two decisive factors for the "social resources." This social resources are limited, so the competition for social resources is the norm of society, vulnerable social groups are occupied fewer resources in this competition groups, possession of resources gap often leads to the interests of vulnerable groups

can not be achieved, and possession of law is a conflict of interest for this resource tool for adjusting the gap caused.

Based on the above considerations, we believe that vulnerable groups is due to the existence of objective and subjective reasons, fewer social resources possession, leading to an unequal position it is in fact, the basic rights of enjoyment or realization of legal obstacles need to be protected group. The most important feature is the realization of their fundamental rights obstacles.

The Legal Significance of the Social Protection of Vulnerable Groups

Protection of vulnerable groups of people in line with the demands of this ideology, Humanism in thought and practice to promote the protection of vulnerable groups, humanism implies the protection of vulnerable groups of people is worth the pursuit of purpose. Its request to vulnerable groups and the strong the same treatment, regarded it as an end in recognition of the fundamental human rights of vulnerable groups and the intrinsic value enjoyed. The state should always put the people rather than the utilitarian value of the carrier as part of its policy of support a rule, not for economic interests and other interests at the expense of survival and development of vulnerable groups. In addition, another basis of social protection of vulnerable groups humanism inherent in social equality. Preset humanism of people is the goal that everyone should be treated as objects, rather than a means of vulnerable groups as a member of society, it should be treated equally, so that equal access to a good right to exist and the right to development.

A just society is through the system to adjust the state's resources to enjoy, so to achieve substantive equality in such a state. In our society, each of us can equal enjoyment of equal opportunities, but due to different vulnerable groups in society in all aspects of their own condition, leading them to have the right to competition and in fact did not stand on the same starting line. In the present market economy, better swept elimination, if only for socially vulnerable groups of equal treatment, rather than see it as a special group in the system to give a certain inclination, socially vulnerable groups will be more weak, this is not in line with the requirements of a just society, in this case, we should reconstruct social system resource allocation model so that vulnerable groups in society and powerful groups enjoy the same social resources.

The rights of human rights is human freedom and equality, it is the right man based on natural and social properties and should enjoy, in the production practice and social practice of human activities, the demand for material means of subsistence, as well as other political, spiritual demand for economic and other aspects of human instinct and nature of these needs is the right person, socially vulnerable groups as a member of society, which are bound to have these needs, are bound to enjoy these rights. With the development of society, people also gives another meaning of human rights, that is, people not only to survive and live, and have the same dignity and equality of others to survive and live, human rights emphasize the dominant position of people, people-oriented requirements, the people as is the goal, not the means. Human rights as a social relationship between people, between people and public power, and performance requirements of the legitimate interests of the people to others, to the state, the community raised. This requires us to equal treatment of vulnerable groups, be fully respected for vulnerable groups.

Legal Protection Mechanisms of Socially Vulnerable Groups

The functions of the law is to create a social order so that people's lives into an ordered state, the legal protection of socially vulnerable groups is to create a social order to protect the interests of vulnerable groups in society are not infringed. Legislation is the primary condition for the creation of this order, the legislature generally binding legal documents in accordance with due process of law and the terms of reference established, which is to protect vulnerable groups in society, create conditions conducive to socially vulnerable groups of the social order of priority condition. Accordingly, we have to protect the rights of vulnerable groups, but also with particular attention to protecting the rights of vulnerable groups in society to build institutional system in sector law.

Judicial protection of vulnerable groups in society, the state makes the legitimate rights of vulnerable groups as a party to give practical safeguards by judicial means. Justice is social justice last line of defense, Professor He Weifang said, "the legislature might develop unjust laws, the executive may be abuse of power, however, if a community has a clean and high-quality judicial hierarchy legislative injustice and abuse of administrative power bring dangers will get considerable suppression and correction. disadvantaged judicial protection is the use of state power to resolve disputes mechanism, which relies on state power, rather than the subject of disputes on their own strength, with strict normative, can effectively limit wanton and maintain equality, justice and laid the basis for the settlement of disputes, it is precisely because both judicial relief force also has the advantage of certainty, thus forming when the fundamental rights of citizens and the need to achieve security, they would go to rely more jurisdiction implementation. This is especially true for vulnerable groups in society, as opposed to a strong group, the disadvantaged groups occupy fewer social resources, but more often they are relatively less economic power groups, when their rights have been violated they can not rely on its own strength to compete with the strong group, while judicial relief resources can compensate for disadvantaged groups occupy less the status quo, so that the parties in the proceedings on the same level, the same starting line on a fair and equitable positive confrontation, so that vulnerable groups in society rights are effectively protected.

At the same time, justice has mandatory execution of judicial decisions in favor of the right to meet the demands of vulnerable groups. Through the judicial process, so that vulnerable groups in society to enjoy legitimate rights be recognized and relief. Our justice system has made great development and progress, but still lags behind in some areas and issues outstanding. Especially the judicial level exactly how to protect legal rights of vulnerable groups are the current society must deal with outstanding legal issues need to be solved.

Conclusion

Mainly reflected weak vulnerable groups in terms of the rights of the disadvantaged, socially vulnerable groups is the need to protect our socialist country ruled by law construction, but also comprehensive building a harmonious society, the legal level of protection of vulnerable groups in society is a sign of civilized countries now China is in the stage of the social development, the state has also increased to some extent, protect vulnerable groups in society, but on the protection of our laws, there are still defects in the legislative and judicial, legal protection and national, social and vulnerable groups themselves together, to strengthen the social protection of vulnerable groups, build all-round, multi-level, three-dimensional system of legal protection of vulnerable groups, so that socially vulnerable groups are effectively protected by law.

References

- [1] Caipei Yu. Reflections on China 'S Legal Aid System Problems. Political Science and Law, 2001 (6).
- [2] Wu Ning. Rights Perspective and Its Theoretical Foundation Social Protection of Vulnerable Groups. Law and Social Development, 2004 (3).
- [3] Zhaoxing Hong, Li Wei. Rights Protection and Legal Aid. Vulnerable Groups. Legal Studies, 2005 (4).
- [4] Zhuo Hong, Hu Yian. Basic Characteristics Vulnerable Groups. Theory, 2004 (2).