

Research on the Instrumental Value and Purpose Value of Economic Law

Zhe Shi

Tianjin University, Tianjin, China, 300072

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Abstract. Economic law is an important part of the legal system and plays an important role in the whole legal system. From the beginning of the establishment, the law has the dual value attribute of the purpose value and the instrumental value. The instrumental value attribute of economic law includes fairness, economic security and institutional efficiency. The purpose value attribute is the sustainable development of economy.

Introduction

The value of economic law has always been a hot issue in economic law research. In summary, they can be divided into the following three types: (1) Monism. Those who hold this view argue that economic law should only have the sole objective of representing the fundamental and fundamental spiritual values of economic law, which is either the overall benefit or the systematic order of the integration of power and rights. (2) Dualism. Those who hold this view argue that economic law has a dual value goal or is society as a whole, fair, or socially equitable, economic democracy, or fair and efficient. (3) Pluralism. Those who hold this view argue that it is not enough to adapt to the increasingly complex and diversified development trend of economic law norms and systems by simply summing up the value proposition of economic law into a single or double value goal. Therefore, the diversified value of the goal or development, security, fairness or substantive justice, social benefits, economic democracy and economic order of unity or the existence of value, legal value, resource value, social value. Needless to say, these views have a certain degree of rationality, reflecting a certain value of economic law attributes, but they are more or less the following problems: the use of philosophy, jurisprudence common concept has not given it different from Philosophy, jurisprudence of the special significance and attributes; the value of the target is not fragmented and cannot be systemized, resulting in the value of economic law, the scope of the target expansion or contraction; a variety of views but lack of argument, is not convincing enough. In view of the above defects, this paper will be based on the basic value of economic law to make a basic stratification, focusing on economic law unique and personalized value goals, and strive to reflect on the integration of economic law value system.

The Value of Economic Law

On the value of the economy, scholars' views are not consistent. Mr. Li DuoJun that economic law, including order, efficiency, fairness and justice, the central part of society should be the overall economic efficiency and social (substantial) economic equity. Ms. Xu Shiyong believes that the primary value of economic law is efficiency (economic system efficiency), followed by fairness (but this fairness is internalized into the fair value of efficiency, its judgment is the improvement of efficiency rather than the abstraction of ethics). Ms. Lv Zhongmei divides the economic value system into two levels: the instrumental value and the purpose value, and the purpose value is a category that can cover the instrumental value goal, concentrate and reflect the characteristics and spirit of the economic law. This article compares Zan Zhongmei's view, divides the value of economic law into two levels, target value and instrumental value.

The purpose of value is a concept should be, including people's hope and ideals of France. The law should be the transcendence of the real law, for the law of faith and the pursuit of the rule of law to provide the ideological basis. I believe that the purpose of the law is the value of justice, and the value of economic law is also the value of justice. When people refer to the law, the first

reaction is justice and people often equate justice with justice. The word justice gives the hope and the pursuit of mankind, justice is the primary value of the law, the same should also be the purpose of economic law value.

The instrumental value of economic law includes institutional efficiency, fair results, economic freedom and economic security. The instrumental value embodies the purpose value, and the proportion of the value elements (efficiency, fairness, freedom, and safety) in the specific value of the instrumental value is guided by the purposeful value.

In conclusion, the economic law to achieve its purpose value must rely on the support of the instrumental value and the specific implementation of the economic law, the economic value of the economic law, the instrumental value at the first level is the means and the realization of the purpose value.

The Instrumental Value of Economic Law

Economic law gives the special meaning of instrumental value for its own dynamic operation and its instrumental value can mainly include fairness, efficiency prediction and security. First, fair. This is the oldest and long-term legal value. Fairness has a rich connotation, if the interpretation of different perspectives, then it will form a different point of view. Fairness in the traditional civil and commercial law, to individualism as a guide, the abstract personality equality as a hypothetical condition, through the equivalent paid to establish a fair system, which for solving the gap between rich and poor, supply, development and other aspects of the problem is very weak. Fairness in economic law tends to be substantial, and can be effectively realized in economic life, but also makes the results of fair values become one of the value of economic law. People are in the ability, talent, wealth and other aspects of the obvious differences, which is a congenital inequality, based on this, the results of fair value into the economic law which embodies the law is different from the humanistic characteristics of economics. That is, economic law to help those who are weak economic (by the talent, ability and other inequality), through the form of inequality to achieve substantial equality.

This is the premise of legal value, but different nature, the background of the law, the pursuit of security also has different meanings. Economic law gives the connotation of security lies in economic security, that is, the maintenance and pursuit of the overall security of the national economy.

Efficiency belongs to the category of economics, its essence lies in the effective allocation and utilization of social resources, social attributes and the interests of the standard determines the economic law must be committed to promoting the overall social efficiency. But the overall efficiency is ambiguous in terms of meaning, and it may be possible to use economic system efficiency to explain that the efficiency value of economic law is more in line with its essence.

The value of the economic law of the significance of the study clearly, simply the value of economic law into the value of economic growth to promote economic growth or economic development is not enough. Economic law, as a part of the law, requires unequivocal judgments about the legitimacy of the conduct, and, in the rule of law society, there is a growing demand for protection and protection from the non-personality power of the state. Economic law as the establishment of economic and legal order of the operating mechanism and its reasonable or not, and the level of rationality, determines the economic rule of law and the extent of the realization. The objective value of economic law is the prerequisite and basis of the whole law. In this way, it is necessary to study the rationality of the economic value of economic law to study the impact of economic law practice, and its legal source, to give economic law to the reality and vitality; must require the study of the economic value of the economic value of the economy the law tends to be generalized and deepened, rather than just on the form of a legislative provision.

The study of the value of economic law and instrumental value is interrelated. The former argues that through the legal form of the traditional personal will and freedom of absolute restrictions, the establishment of economic law of justice standards. Sustainable development is justified; the latter is that economic law is the maintenance of economic legal order, and thus the establishment of

economic law fair, safe and efficient view is reasonable. In this sense, the economic law should be implied and realize the legal value is the unity of purpose and instrument: the value of economic law to the needs of the main body as the base, and the needs of the subject only through the objective existence of the law to be met, It is the reason why people often use the economic value and the instrumental value of economic law in practice. The value of the law is its subjective role and the role of the law is its objective value. Sustainable development is the subjective value of economic law, substantive fairness, economic security and institutional efficiency is the objective value of economic law. The instrumental value of economic law is the embodiment of the value of economic law. Therefore, the interpretation of the economic value of economic law must also start from the analysis of the economic value of economic law to study its rationality.

The Value of Economic Law

A reference to the Constitution, the first thought is fundamental Dafa, it is the basic rights of citizens and the organization of the government and other fundamental content has been provided to ensure social stability and good development. Refers to procedural law, the first reaction is procedural justice any procedural flaws may affect the substantive rights.

At the same time, the study of the value of economic law can improve the rationality of legal reasoning. Through the study of the purpose value, people can clarify the seemingly disorganized and unambiguous legal rules to make the legal rules form a systematic network. Second, to reduce the implementation of the rules of law or law enforcement of the ultra vires to ensure the normal implementation of the law; Third, the purpose of the value of the study more convenient to the entire economic legal system and the establishment of basic theory, the value of the goal of universal, and its judgments with the logic of moral and moral judgments and judgments of the logic to become closely and harmonious, requiring special emphasis on the law in the legal rules of interaction, focusing on changes in the legal significance of public participation.

Each of the legal departments, the ultimate goal is to achieve the overall interests of society, but their starting point is different. The starting point of administrative law is to restrict the administrative power, that the exercise of the administrative power is to protect the interests of civil society; modern criminal law; the principle of civil law is to protect the interests of civil society; Is through the prevention and combat of crime and the humanitarian care of criminals to achieve the overall interests of society. It is also said that these legal departments do not regard the overall interests of society (welfare, happiness) as the purpose of value, and ultimately to achieve the overall interests of society is the result of its logical deduction.

Although the civil law emphasizes the public order, but because of its starting point is individual rights, so it cannot go public on the road of private law to go too far, otherwise it is not civil law. And because the administrative law of the starting point is to restrict power, so the government intervention in market behavior caused obstacles. Economic law is different, because its starting point is the overall interests of society, so in some economic and legal norms, there will be sacrificing individual rights and the expansion of government power, and these situations appear in economic law does not exist theoretical obstacles.

The system efficiency, the results of fair, economic freedom, economic security and other value is not enough to play the important purpose of economic law. Efficiency is a concept of economics, pursued by economists. Jurists like to use words such as justice, justice, fairness, and little attention to the word efficiency. This is not only due to differences in the focus of the two disciplines, but more importantly, the origin of the two disciplines. Economics is a summary of the laws of human economic activity, it cannot directly reflect the human emotions, ethics, it cannot become a universal belief. The law is derived from the ethical and moral norms of universal social norms, can directly reflect the human ethics, morality and emotion, legal rules and legal principles embodied in the concept of justice for people generally accepted and recognized. Therefore, the law can become a kind of faith, worship, which is the most proud of the legal person! Therefore, for economists regarded as the efficiency of the standard (institutional efficiency) is not enough to play the highest value of economic law concept, because the economic law that in the end or law. In particular, in

China, the law as the realization of the interests of the tools (tools) the idea of such a deep-rooted case, then the highest value of economic law as efficiency, is undoubtedly worse. If people always keep the understanding of the law at the instrumental value, the law cannot be a belief in China, and the rule of law cannot really be established!

Fairness is one of the understandable views of justice, economic law emphasizes the result (substantive) fairness and civil and commercial law focus on the starting point (form) fair is a very important difference, but only the results of fairness does not reflect an important feature of economic law is a social law, and the result of fairness itself does not of course include the concept of the whole society. The results of the individual's fairness do not represent the results of the group's fairness.

Conclusion

The purpose of the purpose and the instrumental value, the two together constitute a complete economic law value target system, there is mutual support, coordination and complement the close relationship, usually the instrumental value of economic activities in all areas of normal and coordinated operation of the basic the goal of economic security is the premise, the result is fair, the system efficiency is an indicator of the efficiency of the pros and cons. Sustainable development as a tool of value, is the future of human development model and direction, but also the pursuit of Chinese economic law legal ideal, thirteen five period of Chinese economic development is facing a new situation, all kinds of contradictions are complex, which requires sustainable development guidance and ultimately the realization of social, ecological and economic development.

References

- [1] Single leap. Economic law of the law of value category[J]. Modern law. 2000 (01)
- [2] Kong De-zhou. Study on the Application of System Science in the Basic Theory of Economic Law [J] .Journal of Business Studies (Journal of Central South University of Political Science and Law) 2009 (05)
- [3] Yan Yunqiu. On the fundamental value orientation of economic law and its realization [J] .Journal of Business Studies (Journal of Central South University of Political Science and Law) 2014 (04)
- [4] Li Changqi, Lu Lei. Some Thoughts on the Modernization of China's Economic Law [J] .Journal of Law 2009 (03)
- [5] Cheng Xinhe. Development, fairness, security Trinity - the basic category of economic law issues [J]. Journal of East China University of Political Science and Law. 2009 (01)