

## Research on the Social Management Innovation Under “Legal Guarantee”

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**Abstract**--Social management is an important part of government function. This paper presents the social management innovation under legal guarantee from the main three aspects. First, pointed out that the “Legal guarantee” was new requirement on social management innovation. Second, it introduced the relationship between “Legal guarantee” and social management innovation. At last, it discussed the five approaches of social management innovation under “legal guarantee”.

**Keywords**--legal guarantee, social management innovation, relationship, social conflict

Strengthen and innovate the social management is necessary to promote social justice in the new situation, and to build a harmonious society. But to some extent, challenges are exist between the stability of the rule of law and the variability of innovation [1]. Therefore, in the process of social management innovation, how to handle the relationship between innovation and the rule of law has become a must concern.

### I. “LEGAL GUARANTEE” [2] OF SOCIAL MANAGEMENT IS A NEW REQUIREMENT FROM THE EIGHTEENTH PARTY CONGRESS

The Fourth Plenary Session of Sixteenth Central Committee of the Chinese Communist Party in 2004 were pointed out that the pattern of social management is: “Party committee leadership, government responsibility, social coordination, public participation” [3]. The Fifth Plenary Session of Seventeenth Central Committee pointed out that “According to the requirement of social management pattern which are Party committee leadership, government responsibility, social coordination, public participation, to strengthen the construction of law, institutional mechanisms and capacity of social management”. Under the guidance of these documents, the overall situation of social management in china is good currently. But there are still some problems existed. For example, attaches great importance to the administrative measures, rather than to the rule of law means; attaches great importance to the personal authority, rather than to the rule of law authority; attaches great importance to the application of policies, rather than to the formulation and implementation of the rule of law. The existence of all these problems restricted the deepening of social management innovation. At the same time, all these problems are lack of

co-ordination with the process of a socialist country under the rule of law, and do not match with the implementation of law governing strategy.

Social management of the rule of law is related to the improvement of the level of social management, is also related to the enhancement of ability of the Chinese Communist Party. This can also be seen that Chinese determination of the rule of law on this issue in the social management.

### II. THE RELATIONSHIP BETWEEN “LEGAL GUARANTEE” AND SOCIAL MANAGEMENT INNOVATION

The Eighteenth Party Congress clearly pointed out that the “Legal guarantee” is a part of social management system [4]. We should let the legalization of social management as the guiding ideology, basic path and the main method of current and future social management innovation [5]. Therefore, we should do the social management innovation under the guidance of policy objective of the “harmonious society”, and continuously improve the legal systems, do efforts to promote the way of law enforcement, enhance the ability to act in accordance with the law.

There are important relationship between “Legal guarantee” and social management innovation. In one hand, “Legal guarantee” plays an important role on social management innovation. First, “Legal guarantee” give scientific definition to the functions of government, and provide institutional guarantees to the social management innovation. Second, “Legal guarantee” improve the policy system in social construction to lay a solid institutional basis for social management innovation. Third, “Legal guarantee” build the framework of the rule of law for social management innovation. On the other hand, social management innovation plays a positive role to promote legal system construction. First, make up the rule of law vacancies through social management innovation. Let the social management innovation as an opportunity to find out the problems which are exist in our current legal system construction. We should absorb and learn advanced management concepts of modern management, and constantly improve the ability and level of rule of law. Second, improve the legal system through social management innovation. If proven some social management system is not able to adapt to the demands of the times and the new situation, then, should promptly formulate new laws

and regulations, reform and improve the system to ensure the legitimacy of the innovative initiatives.

### III. THE APPROACHES OF SOCIAL MANAGEMENT INNOVATION UNDER “LEGAL GUARANTEE”

Strengthen and innovate social management is a major strategic task identified by the CPC Central Committee. Social management innovation in the legal environment lays new ideas and new requirements on how to play the role of the rule of law in the social management. In order to comprehensively improve the level of social management legalization, we should let the rule of law as the basic direction, and actively explore to strengthen the ways and approaches of social management innovation. Specific approaches are as follows:

#### A. Carry out legal publicity and education to enhance awareness of the rule of law in whole society.

Strengthen legal publicity and education to improve the level of the rule of law in social management is basic pilot projects. Therefore, at first, we should focus on strengthening the rule of law concept of education and legal training of leading cadres and civil servants, to raise awareness of the rule of law and legal management capability of leading cadres at all levels, to improve their legal literacy, to use more legal approaches to coordinate social relations, to regulate social behaviour, to solve social problems and conflicts. Second, further promote universal legal education, and actively promote the knowledge of the law into the organs, into the countryside, into the business, go to school. Carry forward the spirit of socialist rule of law in the whole society, a good atmosphere to maintain the dignity of the law and the legal order.

#### B. Play the central role of Party Committee leadership and governance by law

The party committee has a core leadership position in the social management. First, actively explore the specific path of governing by law for party committee, and make efforts to improve the rule of law awareness, legal thinking ability of Party committees at all levels, and gradually make the management by law as a basic way of economic and social management. Second, to reform and improve the leadership and ruling way of party committees, to regulate the relationship between Party committees and people's congresses, governments, CPPCC, the judiciary and people's organizations, to play a central leadership role of the party committees in the various tissues of the same level. At last, strengthen the leadership of the party committee in legislature, to establish the system of discussing important draft laws and regulations by Party committees, to use the people's congresses system platform to unify the Party will and the will of the people, and eventually let all these will be legislation through legal procedures.

#### C. Promote governing by law and strict administrative enforcement, to ensure effective implementation of various systems in social management, to protect the legitimate rights and interests of citizens.

Governing by law is the basic requirements of the socialist rule of law on the administrative organs, is also plays the key role to strengthen social management innovation. Social management innovation requires specific law enforcement to be implemented and to be reflected. The strict social management of administrative law enforcement is an important guarantee for strengthening social management innovation. Law enforcement link is related with the ability to compliance and execution with laws and regulations.

#### D. Resolve social conflicts within the framework of the rule of law to create a harmonious social atmosphere for social management.

The rule of law is the best way to solve conflicts in calm and rational way, is also the basic methods and best mode for social governance. So, at first, reduce the “conflicts between official and people”[6] through governing by law. Second, it is necessary to improve the administrative law remedy system, smooth legal relief channels, further improve the conflicts settlement full diversification mechanism, and minimize those disharmony factors. For example, reform and improve the petition system; construct administrative mediation system; improve the information disclosure mechanism as well as social security and assistance mechanisms to resolve social conflicts; establish sound expression mechanism, social consultation and dialogue mechanisms.

#### E. Administrative accountability and supervision is institutional guarantee for social management innovation

Our government is the people's government, must be responsible to the people. While the law gives the government authority, it also set the duties and obligations of the government. To implement the administrative accountability system in the field of social management is an important task of governing by law. It is also the response to the strong expectations of the public.

The aim of establishment and improvement of accountability system is to prompt the government and leading cadres at all levels to correctly exercise their powers and perform their duties, to prevent illegal decisions, abuse of power, harm the interests of the people and public.

### IV. SUMMARY

This paper presents the social management innovation under legal guarantee. First, pointed out that the “Legal guarantee” was new requirement on social management innovation. Second, it introduced the relationship between “Legal guarantee” and social management innovation. In one hand, “Legal guarantee” plays an important role on social management innovation. On the other hand, social management innovation plays a positive role to promote legal system construction. At last, it discussed the five

approaches of social management innovation under “legal guarantee”. Strengthen and innovate the social management under “legal guarantee” is necessary to promote social justice in the new situation, and to build a harmonious society.

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