

Research on Developing Socialist Legal Culture with Chinese Characteristics

Shunzhao Pan, Songlijiang Pan
Institute of Marxism Southwest University

Abstract – Promote the socialist rule of law spirit, to create and cultivate the socialist rule of law culture with Chinese characteristics, to promote comprehensive governing the country according to law, the construction of a socialist country under the rule of law is of important cultural support. History, however, the limitation of the traditional rule of man culture, the social environment of human culture, the restriction of cultural era development foundation, to the construction of the rule of law culture of socialism with Chinese characteristics bring many challenges. Therefore, the construction of socialism with Chinese characteristics must strengthen cultural foundation of rule of law, foster the rule of law; Based on local features, draw lessons from the external achievement; Strengthen the publicity propaganda, guide the rule of law education.

Keywords – Chinese Characteristics, Developing, Legal Culture, Socialist.

I. INTRODUCTION

The establishment of a socialist legal country, nourishing both need rule of legal culture and the rule of law culture of internal support. But the current culture of rule of law development level is still far from reaching an advanced level, far lagging behind economic and social development and reform requirements, foster Socialist culture with Chinese characteristics study faced many difficulties.[1]

II. DIFFICULTIES OF CHINESE CHARACTERISTICS SOCIALIST LEGAL CULTURE

A. Restriction of history and traditional culture of the rule by human

Rule of law culture is a process, is a long-term historical development of precipitation. Rule of law in China formed of time does not long, rule of law culture of history also does not developed, China since ancient times development up of culture traditional, lack modern rule of law culture of Foundation, in many aspects are and modern of democratic rule of law exists contradictions and conflict, became current rule of law culture of building of reverse forces, this especially performance in rule culture traditional and rule of law culture needs of contradictions: one, humanity this evil and humanity this good of conflict. Ethical foundation of the rule of law is basically evil, the rule of the ethical foundation of culture is basically good. In order to stop the evil, best way to Western culture that is the rule of law, and the traditional Chinese culture is looking forward to find the King Emperor. Second, the law conflicts with the powers. Rule of law culture

emphasizes the power of advocates law above power, rule of cultural power is considered Supreme, advocated the power above the law. Thirdly, the conflict between rational and irrational. Rule culture emphasizes the irrationality, human will be rendered thus adjusted the norms of social order, justice, legal arrangement. Again a clash of right and obligation. Rule culture emphasizes duty standard, phase separation of rights and obligations, and the nobility rights, compulsory civilian class. Although China has a long history of legal culture, but as a rule fostered by thousands of years of Chinese Confucian propriety ideology is the antithetical to the rule of law culture and modern rule of culture. Because of the lag and the relative stability of the culture itself, makes the rule of culture will not disappear completely because of the social changes, and its deeply rooted in the hearts of the people, still influences modern China.

B. Restrictions of human feeling on culture social environment

Known, human relation in Chinese society is well developed, emphasis on relationships, human concepts is penetration in almost every aspect of modern life. Indeed, human sentiment and affection of modern social life and interactions are important to maintain, no human society is unthinkable. But, on like any things are has its duality, for "acquaintances social" of excessively praised and favors ethics of excessively spread extended, is will on modern culture by identity of rule of law culture caused great of collapse and damage role, this is why to love generation method, and to love mess method, phenomenon in contemporary China administrative law enforcement and judicial real in the Middle out not study of important causes. At present, the common consensus of the public, when in the face of litigation, not first think of how to use the law to safeguard the rights, but rather seeking human resources in various ways, such social environment of human culture is bound to rule of law construction of cultural difficulties. In addition, contemporary legal concepts and jurisprudence transition addicted instrumentalist view of the rule of law, a strong rule of law rule of law culture lacks a necessary pragmatism makes the value of rational thought and spirit.

C. Limits of basis cultural times development

A complete state of rule of law, must be based on the full development of the social market economy, with full realization of democratic politics as security. However, in full deepening reform key period of China, socialist market learn in constantly of perfect and development in the, legal in economic life in the due of adjustment, and specification role also no became habits; height democratic of socialist political civilization also also in reform of road shàng, corruption corruption, and engages

in, problem still highlight, official, and power standard thought serious, hinder has rule of law culture of praised; rational consciousness also far lag yú social development of requirements also needs all democratic of tireless efforts, Transition emphasizes the moral judgment, lack of rule of law thinking, especially in the age of big data, under the era of non-rational communication, and seriously violated social consciousness of the rational forward; is continually adjusting and perfecting the process of building the legal system, the emergence of problems such as miscarriage, causing social groups with its lack of proper attention and trust, you need to further enhance the fairness and impartiality of the legal effect. In addition, the establishment of the rule of law culture and development needs a gradual process and the stages and needs a long period of cultural accumulation, also need to be social, political, economic and external stimulus.

III. PATH SELECTION ON SOCIALIST LEGAL CULTURE WITH CHINESE CHARACTERISTIC CULTIVATION

Fostering a socialist culture with Chinese characteristics, is a long-term and complex social and cultural project, it needs joint efforts from all sides.

A. Solid cultural roots, cultivating a consensus

Socio-economic development and cultural development based on the construction of the political superstructure. Therefore, culture cannot be addressed only from cultural, but also to find the answers to real life, the rule of law is the same. Culture of the rule of law is divided into the economic, political and social economic need to developed market economies as the foundations of nurturing a culture of law, democracy is fundamental to develop a culture of rule of law, civil society is to foster a culture of law internal motivation. First of all, does not provide a strong material support law of market economy, provide development conditions for the rule of law and to speed up the process of the development of the rule of law. Foster Socialist rule of law culture must to continues to deepening economic reform, further promoted socialist market in-depth development and market system of gradually development mature, completely Fu this destroyed rule culture which produced and exists of based, makes people in personally participation of commodity production and exchange of directly experience in the insight modern rule of law culture of meaning, gradually awareness and grasp since interests and rule of law economic of social value, gradually learned using and market phase adapted of legal weapons to achieved and protection itself of interests. Secondly, as a culture of the rule of law, its actual formation and maturity are inextricably linked to development of democracy. With popular sovereignty, power, and restrictions as the meaning of democracy education generates the supremacy of law, protecting human rights, restrict the power and strict law enforcement practice and fair administration of Justice, rule of law and the rule of law. Therefore, to continuously strengthen political reform in the area of building socialist political civilization with Chinese

characteristics, rule of law, recognized by society of politics from social psychology, so people are constantly nurtured and shaped by the rule of law culture. Secondly, the basis of civil society, it is not the rule of law and citizens ' law consciousness existing soil. Lagging and weaking of China's civil society, which countries assimilate of profit and loss considerable degree of misappropriation, eliminating the Chinese society the social foundation of the rule of law. Therefore, only the establishment of civil society, fostering cultural and social foundation of rule of law, democratic participation, autonomy and self-discipline of society members, then formed the foundations of pluralist rights, can eventually build up Socialist legal culture with Chinese characteristics.[2]

B. Based on local features, drawing on external outcomes

Based on local characteristics, is in cultivation and in the process of building a socialist culture with Chinese characteristics, must be on the development level of China's economic, political, and historical traditions, cultural backgrounds and custom image from the trip. In China's traditional legal culture, we can neither conceit, finds that immutable law of the fathers, nor belittle, demean themselves. Traditional Chinese legal thought, although not the Western culture of rule of law the rule of law, but its development over thousands of years, embody the traditional Chinese way of thinking, behavior patterns, and still influences the development of rule of law in China. Foster Socialist culture with Chinese characteristics must be fully rational core of traditional legal culture, promoting the construction of rule of law culture of nationality. Meanwhile, to focus on culture of rule of law ... Because of the lack of rule of law culture in China, research on culture of rule of law bear in Western culture for the coordinates of the rule of law, so that in a culture of law research in the breeding process, should have the courage to learn from foreign advanced legal culture and transplantation, but this does not mean that the Western culture of graft. Only national and local rule of law culture, may be accepted by the public recognition. Localization of Western rule of law culture requires a process, when in the construction of Chinese legal culture Foundation, Western cultural spirit and traditional culture of rule of law should be beneficial factors in combination for the cultivation of rule of law culture, lay a profound cultural foundation.[3]

C. Strengthened publicity, leading law-related education

Rule of law culture and development is a process of natural history, and carefully selecting and cultivating results. And nurture people with the concept of rule by law is the way in constructing the rule of law, is the ultimate goal of cultural construction of rule of law. First of all, to strengthen publicity and innovative ways and means of publicity and education. Content of legal advocacy is not only popularize legal knowledge, but more importantly is the rule of law, promote the rule of law, the dissemination of the concept of the rule of law culture, rule of law come alive, allowing citizens to recognize the rule of law on the

side. Only people familiar with the law, we have reason to expect them to understand what the rule of law. However, in our rule of law propaganda content, form, methods are too simple and old, a mere formality, the effect is not good. In recent years negative reports in the mass media on the legal issues of information bias, which is people's faith in law forms have a certain degree of damage. Publicity and education concerning the law, with wide popular appeal, targeted legal literacy, legal popularization work to achieve all-round, wide-ranging and people. Secondly, strengthening the rule of law education in society using the law to ideas, guide people consciously to safeguard their rights in the process of the rule of law, experience of rule of law and accept the rule of law, thus forming citizens inside of a belief in the rule of law.[4]-[6]

REFERENCES

- [1] CPC Central Committee decision on comprehensively promoting the rule of law a number of significant issues (monographs) [M]. Beijing: people's publishing house, 2014.
- [2] Li Su . And its native resource of rule by law Beijing: Chinese University Press, 1996.
- [3] Deshun Li . Outline of the rule of law culture [J] . Journal of China University of Political Science and Law, 2007.
- [4] Bin Liu . The theoretical conception of Chinese legal culture [J] . Journal of China University of Political Science and Law, 2007.
- [5] Disheng Mao . On socialist culture with Chinese characteristics [J] . Journal of the party School of the CPC Central Committee, 2009.
- [6] Yinghua Dan. Dilemma and outlet of legal culture [J]. Journal of Guangxi Police Academy, 2014.

AUTHOR'S PROFILE



Shunzhao Pan

Born in Sichuan Province on June 19, 1968, Pan has a law degree from Renmin University on 2013.

Pan works in Southwest University, published a book named *Youth Happiness Resource* at Southwest Normal University Press. Current previous research interests focus on law theory.

Associate Prof. Pan is executive vice-director of contemporary China city aesthetic research center.



Songlijiang Pan

Born in Sichuan Province on April 16, 1994, Songlijiang Pan is a junior student at Southwest University.