



新时代的中国法治要素

Elements of the Rule of Law in China in the New Era

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I. The Logic of the Rule of Law in China

二、中国法治的内容

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一、中国法治的逻辑

I. The Logic of the Rule of Law in China

中国法治是历史的选择

The Rule of Law in China is the choice of history

中国法治的三重体系

The triple system of the Rule of Law in China

中国法治的时空定位

The spatio-temporal dimensions of the Rule of Law in China



中国法治是历史的选择

The Rule of Law in China is the choice of history

法治是人类文明进步的标志。中华法系源远流长，是世界法系之一，为世界文明做出了贡献。

The Rule of Law is a symbol of the progress of human civilisation. The Chinese legal system has a long history and is one of the world's legal systems, contributing to world civilisation.

中国人民选择了中国特色的社会主义法治道路。

The Chinese people have chosen the path of Socialist Rule of Law with Chinese Characteristic.



中国法治的三重体系

The Triple System of Rule of Law in China

理论体系 Theoretical System

- 社会主义法治精神、法治意识、法治理论、法治信仰、法治文化、宪法法律权威等
- The spirit, awareness, theories, belief, and culture of Socialist Rule of Law, authority of the Constitution and laws.

制度体系 Institutional System

- 完备的法律规范体系、高效的法治实施体系、严密的法治监督体系、有力的法治保障体系和完善的党内法规体系
- A complete system of laws and regulations, an efficient system of rule of law implementation, a strict system for rule of law supervision, a strong system of rule of law protection and a sound internal regulation system for the Communist Party.

实践体系 Implementational System

- 科学立法、严格执法、公正司法、全民守法；有法必依、违法必究；依法执政、依法行政；依法办事，解决问题用法、化解矛盾靠法等
- Sound law-making, strict law enforcement, fairness of judicial system, law-abiding society; laws shall be observed, violations of law shall be investigated and dealt with; govern with law; use law to solve problems and conflicts, etc.

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LY1 中国法治是符合实际的社会主义法治理论体系、制度体系 and 实践体系
LU YANBIN, 5/19/2022

中国法治的时空定位

The spatio-temporal dimension of the Rule of Law in China

- 中国法治是符合实际的社会主义法治理论体系、制度体系 and 实践体系
- The Rule of Law in China is a theoretical, institutional, and implementational system of Socialist Rule of Law that corresponds to reality.
- 中国法治在世界法治文明中独树一帜，具有鲜明的社会主义制度性质，但并非孤芳自赏，在努力面向世界、面向全球，探索与外部世界的沟通和对接
- China's Rule of Law is unique in the world with the distinctive nature of socialist system, but it is not alone in its efforts to face the world. It is exploring to communicate and connect with the wider world.



部分域外案件及其他在境内适用情况

Domestic applications of some extraterritorial and other cases

- 2022年3月，上海海事法院第一次确认英国高等法院关于船舶租赁合同的判决可以在中国被承认和执行
- In March 2022, the Shanghai Maritime Court issued a ground-breaking ruling of recognising and enforcing a commercial judgment made by the English High Court on ship charter contract in the People's Republic of China.
- 2017年，武汉中级法院首次承认美国民事法院的裁决
- In 2017, the Wuhan Intermediate People's Court recognised a US Civil Court judgment for the first time.



部分域外案件及其他在境内适用情况

Domestic applications of some extraterritorial and other cases

- 2016年，南京中级人民法院根据互惠原则，做出了承认并执行新加坡高等法院民事判决的决定
- In 2016, the Nanjing Intermediate People's Court issued a decision to recognise and enforce a civil judgment of the Singapore High Court based on the principle of reciprocity.
- 拥有香港澳门专业技术执业资格的港澳籍人士可在广东多地执业
- Hong Kong and Macau citizens with professional and technical qualifications in Hong Kong and Macau can practise in multiple locations in Guangdong Province.



部分域外案件及其他在境内适用情况

Domestic applications of some extraterritorial and other cases

- 2019年，内地法院承认并执行澳门仲裁机构的仲裁裁决
- In 2019, Mainland Courts recognise and enforce the arbitration awards of Macau arbitration institutions.
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中国法治需要处理两方面的关系

China's Rule of Law needs to address two relationships

- 与中国传统文化的关系：法治与德治相结合
- Relationship with traditional Chinese culture: the combination of rule of law and rule of virtue

- 与西方法治文明的关系：吸收西方的优秀成果
- Relationship with Western Rule of Law: absorbing the best practices



二、中国法治的内容

II. The Content of China's Rule of Law

- 立法：有法可依
- Legislation: there must be laws to go by

- 政府：严格执法
- Government: strict law enforcement

- 司法：公正司法
- Judiciary: fair judiciary

- 社会：全民守法
- Society: law observance by all



有法可依：科学民主立法，构建完善的法治体系

Establish a comprehensive rule of law system with sound and democratic law-making

- 完备的法律是法治的前提，立法的基本原则是「科学立法、民主立法、依法立法」
- Comprehensive law-making is the prerequisite of the rule of law. Sound, democratic and law-based exercise of law-making is the basic principle of legislation.

- 科学立法：符合中国发展的实际情况，不能成为空中楼阁
- Sound law-making: legislate according to the actual situation of China's development.

- 民主立法：立法为了人民、依靠人民。把人民的想法和声音写入法律法规，并对法律运行状况进行评估
- Democratic law-making: legislate for the people and by the people. Putting the ideas and voices of the people into laws and regulations. Evaluate the operation of the legal system.

- 依法立法：立法必须遵守宪法和立法法规定，不与上位法冲突，且遵守立法程序
- Law-based exercise of law-making: legislation shall comply with the provisions of the Constitution and legislative law; it shall follow the legislative procedures and shall not contravene the upper laws.



严格执法：政府必须严格尽责守法

Strict law enforcement: government must fulfil its duties and abide by the law

- 服务高效：简政放权，处理好政府与市场、政府与社会的关系，规范审批流程、提高审批效率
- Efficient services: simplified and decentralised governance; balance the relationship between the government, the market and the society; standardise the approval process to improve efficiency.
- 管理规范：依法履职，既要根据法律的授权规范对各类主体的检查监督，又要尽职尽责确保管理不缺位
- Standardised management: perform duties in accordance with laws; perform inspection and supervision of different entities according to the laws' mandate while ensuring that management is not absent.



严格执法：政府必须严格尽责守法

Strict law enforcement: government must fulfil its duties and abide by the law

- 公开透明：在保守国家秘密、商业秘密、个人隐私并维持管理秩序的前提下，向公众公开政府权力运行的内容
- Openness and transparency: public disclosure of government affairs under the premise of keeping State secrets, commercial secrets, and personal privacy, and maintaining orders.
- 廉洁守法：恪守行为规范，处理好与被管理对象的关系，预防和打击腐败，确保所有活动在法治框架下进行，并依法接受监察部门和司法机构的审查和监督
- Integrity and law observance: abide by the codes of conducts; manage the relationships with the supervised entities; prevent and combat corruption; ensure that all activities are carried out under the framework of the rule of law; accept examination and supervision of the supervisory departments and judicial institutions in accordance with the law.



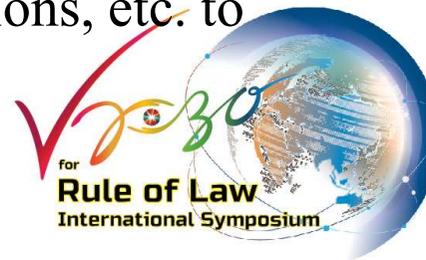
公正司法：公正与效率相结合

Fair judiciary: a combination of justice and efficiency

- 目标：努力让人民群众在每一个司法案件中感受到公平正义
- Goal: strive to make the people feel fairness and justice in every judicial case
- 进行司法改革以保证公正审判
- Judicial reform to ensure fair trials
 - 各级人民法院、检察院均建立了案件询问登记制度，防止官员干预案件审判
 - People's courts and procuratorates at all levels have established case inquiry registration systems to prevent public officials from interfering in the trial of cases.

实行法官审理案件终身负责制等，确保依法审判，维护公平正义

Implement a lifetime accountability system for judges rendering decisions, etc. to ensure lawful trials and justice.



公正司法：公正与效率相结合

Fair judiciary: a combination of justice and efficiency

- 保障公民诉讼权利落实
- Protect citizens' right to sue

诉讼成本低廉；法院信息化发展迅速，法院远程诉讼系统，公众使用移动设备便可参与跨区域诉讼

2021年，全国法院在线立案1143.9万件、在线缴费1093万次、在线开庭127.5万场，在线证据交换260.1万次

Low cost of litigation. Rapid development of court information technology with remote litigation system which has enabled the public to participate in cross-regional trials online with mobile devices.

In 2021, there were 11.439 million cases filed online, 10.93 million bills paid online, 1.275 million remote court sessions and 2.601 million evidence exchanges carried out online across China.



公正司法：公正与效率相结合

Fair judiciary: a combination of justice and efficiency

- 保障人民群众的知情权
- **Protect people's right to know**

法院建有裁判文书、审判流程、执行信息和庭审公开四大公开平台，诉讼当事人和社会公众能够以最便利的渠道获知相关的司法信息

The courts have established four major public platforms on judgment issuance, trial process, enforcement, and court hearing disclosure, enabling the litigants and the public to access relevant judicial information via the most convenient channels.

- 保障公民胜诉权益得到落实：推动法院判决切实得到执行
- **Protect citizens' interests in winning lawsuits: promote effective enforcement of court decisions.**



全民守法：公众参与社会治理

Law observance by all: public participation in society governance

- 社会治理目标是法治化、智能化和专业化
- The goal of social governance is rule of law, and smart and professional development.
- 全民普法（八五普法），提高社会法律素养
- Popularisation of law (the 8th Five-Year Pan) to improve legal literacy of the society.
- 将诚实信用作为法治社会建设的重要依据
- Putting integrity and credit as an important basis of rule of law.



全民守法：公众参与社会治理

Law observance by all: public participation in society governance

- 覆盖城乡的公共法律服务网络已经形成
- The public legal service network covering urban and rural areas has been established
 - 全国共有各类法律服务人员420万人，服务机构85.3万个
 - There are 4.2 million legal service personnel and 853,000 service organisations nationwide.
 - 县级公共法律服务中心约3000个、乡镇（街道）公共法律服务工作站约4万个，覆盖率分别为99.97%和98.29%
 - There are about 3,000 county-level public legal service centres, and about 40,000 township (street) level public legal service stations nationwide, with a coverage ratio of 99.97% and 98.29% respectively.
 - 全国65万个村（居）配备有法律顾问，覆盖率达到99.9%
 - 650,000 villages (dwellings) nationwide are covered with legal advisors, reaching a coverage ratio of 99.9%.
 - 司法部建有中国法律服务网：律师、公证、法律援助、调解、鉴定、仲裁、司法考试；12348公共法律服务热线覆盖全国，24小时服务
 - The Ministry of Justice has established a network of Chinese legal services: lawyers, notaries, legal aid, mediation, appraisal, arbitration, and judicial examination. 12,348 public legal service hotlines cover the whole country providing 24-hour service.



全民守法：公众参与社会治理

Law observance by all: public participation in society governance

- 各类主体积极参与矛盾纠纷排查、从源头上减少纠纷
- Active participation in prevention and resolution of conflicts, reducing disputes from the root
 - 调解委员会种类：交通、医疗、劳动
 - Types of mediation committees: traffic, medical, labour



三、中国法治的特点

III. The Characteristics of China's Rule of Law

- 坚持以人民为中心
- Stick to the People-centred approach

- 上下合力推动进步
- Joint efforts for progress

- 法治正在进行时.....
- Rule of law is a present tense



坚持以人民为中心

Stick to the People-centred approach

- 立法：严格审查部门利益，严禁违背人民根本利益的条款通过
- Legislation: strict review of interests of government departments, prohibiting provisions that depart from the fundamental interests of the people.

- 政府：以人民利益为出发点和落脚点，如放管服改革
- Government: putting the people's interests first, such as reforms to delegate power, streamline administration and optimise government services.

- 司法：希望达到司法的最高境界，不仅判断对错，还尽量做到案结事了，化解矛盾纠纷，促进社会和谐
- Judiciary: striving to achieve the optimal level of justice – in addition to correct decision of cases, it should also settle disputes, resolve conflicts and promote social harmony.

- 社会：提倡全民共建、共治、共享，大家的事，大家商量着办
- Society: advocating common participation, governance and sharing among all people. Public governance with extensive consultation.



上下结合推动法治进步

Joint efforts to promote the progress of rule of law

- 自上而下与自下而上共同努力的结果
- The result of top-down and bottom-up efforts

顶层制定法律颁发文件，指导全国的法治发展；基层法治创新并被推广，成为修改法律的实际要素

The top level formulates laws and issues documents to guide the development of the rule of law throughout the country; the grassroots level promotes the rule of law innovation which will be used as practical experience for law revisions.



上下结合推动法治进步

Joint efforts to promote the progress of rule of law

- 中国共产党是推进法治的领导力量
- The Communist Party of China is the leading force in promoting the rule of law
共产党既是执政党，又是领导党。执政党须在宪法法律框架内行动，领导党则要对宪法法律目标而负责，对人民负责。党的领导可以破解狭隘的专业思维、部门利益局限，推动法治国家、法治政府、法治社会一体化建设
The CPC is both the ruling party and the leading party. The ruling party should act within the framework of the Constitution and laws, while the leading party should be responsible for the objectives of the Constitution and laws, and be responsible for the people. The Party's leadership can break through narrow professional thinking and limitations of interests of government departments, to promote the rule of law.



上下结合推动法治进步

Joint efforts to promote the progress of rule of law

- 中国政府是推动法治建设的中坚力量
- The Chinese government is the backbone in promoting the rule of law

绝大多数法律需要政府来执行，有利于国家法令统一，并在短期内实现法治建设的目标。政府推动法治的不足在于：运动式的推进，有时会冒进或与实践相脱离

Most laws require enforcement by the government, which is conducive to the unification of national decrees and achieving the goal of building the rule of law in the short term. The shortcoming of government promotion of the rule of law – campaign-style promotions are sometimes impetuous or out of touch with the actual practice of rule of law.



法治正在进行时.....

Rule of law is a present tense

- 法治建设是需要一直努力的事业
- Establishing the rule of law is a cause that requires constant efforts
- 法治同人民群众的期待还有距离
- The current rule of law is still behind the expectations of the people
- 法治治理能力现代化水平有待提高
- The modernisation of the governance capabilities based on the rule of law needs to be enhanced



谢谢！
Thank you !

