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USING THE THINKING OF THE RULE OF LAW TO RESOLVE MAJOR RISKS

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ВИКОРИСТАННЯ КОНЦЕПЦІЇ ВЕРХОВЕНСТВА ПРАВА ДЛЯ УСУНЕННЯ ОСНОВНИХ РИЗИКІВ

АНОТАЦІЇ (ABSTRACTS), КЛЮЧОВІ СЛОВА (KEY WORDS)

Problem statement. Entering a new era, profound changes have taken place in China's principal contradiction. While making a series of great historical achievements, it is also facing challenges from all aspects. It is mainly manifested in six areas: political security, economic security, cultural security, social security, ecological security and diplomatic security. China is a country under the rule of law, which relies on the law to maintain social stability and people's livelihood stability. Therefore, it is necessary to use the rule of law to resolve major risks. **Its purpose** is to establish government credit, cultivate and develop the credit market, and establish a sound social credit system to ensure the institutionalization of the government. For this reason, the research **methods** of this paper adopts qualitative analysis, through induction and deduction, analysis and synthesis, this paper classifies the risks and legal issues in the fields of politics, economy, culture, society, ecology and diplomacy in national security, and puts forward countermeasures by combining the thinking of the rule of law with the major risk problems in various fields. **Results.** It is established that the use of thinking is the rule of law to resolve risks reflects the new combination of the thinking theory of the rule of law of the Communist Party of China and the theory of dealing with risks. **Conclusions.** Research and analysis shows that in the final analysis, the thinking of the rule of law is to regard the law as the criterion for judging right and wrong and handling affairs, which requires advocating the rule of law, respecting the law, and being good at using legal means to solve problems and promote work. Only by constantly applying the thinking of the rule of law to dealing with major risks can we better reflect China's concept of governing the country according to law and strive to create a new situation of national security. Only by making good use of the thinking of the rule of law, can we better serve the country and the people, and provide a strong ideological guarantee for realizing the great rejuvenation of the Chinese nation.

Key words: Communist Party of China; rule of law; rule of law thinking; major risks

Постановка проблеми. Наближаючись до нової ери, в основному протиріччі Китаю відбулися глибокі зміни. Здійснюючи низку великих історичних досягнень, він також стикається з проблемами з усіх аспектів. В основному це проявляється у шести сферах: політичної безпеки, економічної безпеки, культурної безпеки, соціального забезпечення, екологічної безпеки та дипломатичної безпеки. Китай – це країна верховенства права, яка покладається на закон, щоб підтримувати соціальну стабільність і стабільність засобів існування людей. Тому необхідно використовувати верховенство права для вирішення основних ризиків. Його **метою** є створення державного кредиту, культивування та розвиток кредитного ринку та створення надійної системи соціальних кредитів для забезпечення інституціоналізації уряду. З цієї причини у цій роботі використані **методи** дослідження – якісний аналіз, шляхом індукції та дедукції, аналізу та синтезу, класифікація ризиків та правових питань у сферах політики, економіки, культури, суспільства, екології та дипломатії, у сфері національної безпеки, і висуває контрзаходи, поєднуючи концепцію верховенства права з основними проблемами ризику в різних сферах. **Результати.** Встановлено, що використання концепції верховенства права для вирішення ризиків відображає нову комбінацію теорії концепції верховенства права Комуністичної партії Китаю та теорії боротьби з ризиками. **Висновки.** Дослідження та аналіз показують, що, врешті-решт, концепція верховенства права полягає в тому, щоб розглядати закон як критерій оцінки правильності та несправедливості та ведення справ, що вимагає відстоювання верховенства права, поваги закону та досконалості

використання законних засобів для вирішення проблем та сприяння роботі. Лише постійно застосовуючи мислення верховенства права до вирішення основних ризиків, ми можемо краще відобразити китайську концепцію управління країною відповідно до закону та прагнути створити нову ситуацію національної безпеки. Тільки добре використовуючи концепцію верховенства права, ми можемо краще служити країні та населенню та забезпечити потужну ідеологічну гарантію реалізації великого омолодження китайської нації.

Ключові слова: *Комуністична партія Китаю; верховенство права; концепція верховенства права; основні ризики*

Problem statement

The thinking of the rule of law, as an important theoretical and practical proposition, has been fully expressed for the first time in the report of the 18th CPC National Congress. The thinking of the rule of law in Chinese discourse refers to "guided by the concept of socialist rule of law with Chinese characteristics and the use of legal norms and legal ideas." to understand, analyze and make decisions on the problems faced in the governance of the country. The major risks faced by our country mainly come from the fields of economy, politics, culture, society, ecology and diplomacy. Without scientific thinking on the rule of law, national security will face major challenges. Xi Jinping pointed out: governance according to law is the most reliable and stable governance, and we should be good at using the thinking of the rule of law to resolve major risks.

The major risks in the key areas of our country are all related to legal issues

Xi Jinping believes that the current situation in China is generally good and the overall social situation remains stable. However, the major risks existing in the key areas of our country at the present stage are all related to legal issues.[1]

Firstly, the main risks in political security involve the legalization of the socialist system with Chinese characteristics. According to Xi Jinping's exposition, the main risks in the field of political security are as follows: first, the ideals and beliefs of socialism and communism are shaken. Without ideals and beliefs, there will be "lack of calcium" in spirit. Xi Jinping pondered over and over: whether the Chinese Communists can fight a war has been explained by the founding of New China; whether the Chinese Communists can carry out development has also been explained by the promotion of reform and opening up; however, whether the Chinese Communists can maintain the party's leadership and uphold and develop socialism with Chinese characteristics in the increasingly complex international and domestic environment still needs to be answered by generations of communists. The second is to carry out overall westernization in the

reform of the political system. Xi Jinping pointed out that China's system of people's democratic dictatorship, the system of people's congresses, the system of multi-party cooperation and political consultation under the leadership of the Communist Party of China, the system of regional ethnic autonomy, and the system of mass autonomy at the grass-roots level have distinctive Chinese characteristics. Carrying out "reform and opening up" that negates the socialist direction can only be a dead end.

Secondly, the main risks in economic security involve the implementation of civil code, agricultural law, financial law, intellectual property law and other laws. According to Xi Jinping's exposition, the main risks in China's economic security are reflected in the following four points.

The first point is the accumulation of financial risks. China's financial sector has a wide range of risks, such as non-performing assets risk, liquidity risk, bond default risk, shadow banking risk, external shock risk, real estate bubble risk, government debt risk, Internet financial risk and so on. There is also a lot of chaos in the financial market, especially the end of the real estate bubble, once burst will trigger a serious chain reaction, and even the emergence of systemic financial crisis and economic crisis. Dealing with the above financial problems involves the implementation of China's banking law, securities law, and insurance law, trust law, banking supervision and management law and other financial laws.

The second point is that there is not enough power to promote reform and development. At present, China's economy has entered the stage of high-quality development, the relationship between the government and the market has been reconstructed, a whole set of incentive mechanisms formed under the traditional development model have failed, the new incentive mechanism is still under construction, and the new and old incentive mechanisms have been cut off one after another. The main problem is a major structural imbalance, represented by the structural imbalance between supply and demand in the real economy. To deal with the above problems, we need to consider the formulation of China's macro-economic control law,

economic growth stability promotion law and so on.

The third point is others control the key core technology. At present, the overall level of science and technology in China has been greatly improved, and some key scientific research achievements have entered the leading ranks of the world. However, overall, the foundation of China's scientific and technological innovation is not solid, and the situation in which others control the key core technology has not been fundamentally changed. If we do not master the core technology, we will be controlled by others and by the enemy in wartime. The problem of science and technology is related to the implementation of the law of promoting the transformation of science and technology in our country.

The fourth point is the uncertainty of economic and trade friction between China and the United States has increased. The United States has made frequent moves against China on trade issues, waving the stick of trade protectionism and stepping up efforts to contain China. The external environment of China's participation in international economic competition is becoming more and more complex and changeable. The position of the United States on China has changed from a "strategic cooperative partnership" to a "strategic competitor relationship," and the containment and suppression of China will be a long-term and continuous process. To solve the above problems, we need to consider the formulation of a law to protect the overseas interests of our citizens and legal persons.

Thirdly, the main risks in cultural security are related to the implementation of laws such as the Constitution, the National Security Law, the Cyber Security Law, the teacher Law, the Civil Code and so on. According to Xi Jinping's exposition, the main risks facing China's cultural security can be summarized as follows: first, the Internet has become the main battlefield of public opinion struggle, which is directly related to the ideological security and political security of our country. Dealing with this kind of problems involves the implementation of China's network security law, national security law and other laws. Second, the overall pattern of international public opinion shows a situation of "the west is strong and we are weak". In the face of the mastery and use of international discourse power, we still follow in the footsteps of others on many occasions. Third, hostile forces attempt to create a "color revolution" in our country, and they take advantage of some hot issues to carry out hype in an attempt to confuse people's minds and win in chaos. Solving these problems involves the

implementation of national security law, network security law and other laws. Fourth, in the academic field, Marxism has been marginalized and tagged, resulting in the phenomenon of disciplinary "aphasia". Solving these problems involves the implementation of teachers' law and other laws in our country. Fifth, there are some problems in the field of ideology and morality in our country, such as lack of values, boundless behavior and so on. Solving this kind of problem involves how to integrate the socialist core values into the implementation of the civil code.

Fourthly, the main risks in social security involve the implementation of laws and regulations such as labor law, criminal law, anti-terrorism law, earthquake prevention and disaster relief law and so on. Entering the new era, the main risks of social security in our country are mainly reflected in the following five aspects.

First, the emergence of contradictions among the people is mostly caused by the issue of interests, which requires us to properly handle the relationship between maintaining stability and safeguarding rights. It mainly involves the implementation of labor security law, civil code and other laws. Second, the public security situation in our country is still grim, and the incidence of crime is high. For example, underworld crimes, environmental pollution, food safety issues and so on. These problems are related to the implementation of China's criminal law, environmental protection law and other laws. Third, violent and terrorist activities occur frequently. Solving this problem involves the implementation of China's anti-terrorism law. Fourth, China is one of the countries with the most serious natural disasters in the world, and disaster prevention and relief is a long-term task. Solving these problems involves the implementation of China's earthquake prevention and disaster relief law, emergency response law and other laws. Fifth, the form of public security is still grim. There are certain risks in the fields of high-speed railway, urban gas, fire prevention of high-rise buildings and so on. Solving these problems involves the implementation of laws and regulations such as production safety law, fire protection law, and dangerous chemicals management law and so on.

Fifthly, the main risks in ecological security are related to the implementation of air pollution prevention and control law, soil pollution prevention and control law, environmental protection law and so on. It is mainly reflected in two aspects: first, in recent years, serious pollution problems such as the increase of haze weather, unsafe drinking wa-

ter and high content of heavy metals in soil in some areas have been exposed. Solving these problems involves China's air pollution prevention and control law, soil pollution prevention and control law and so on. Second, in the process of building socialist modernization, environmental problems frequently cause dissatisfaction among the masses and lead to group incidents. The people are eagerly looking forward to reversing the deterioration of the environment and improving the quality of the environment. Solving these problems involves the implementation of China's environmental protection law, environmental noise pollution prevention law and other laws.

Sixthly, the main risks in the security of overseas interests involve the implementation of laws such as the formulation of overseas rights and interests of Chinese enterprises and citizens. It is mainly reflected in two aspects: First, Chinese enterprises lack experience in "going out" and need to improve their ability to adapt to the legal system, technical standards, marketing and personnel management of various countries. Solving this problem involves the formulation of the law on the protection of overseas interests of Chinese enterprises, the training of foreign-related legal personnel and foreign-related lawyers of Chinese enterprises, and so on. Second, there are certain risks in protecting the safety of overseas Chinese citizens and legal persons. The current international situation is relatively complex, and when faced with major risks, our security capacity for Chinese citizens and legal persons operating around the world is relatively limited. Solving this problem requires us to constantly improve the law on the protection of the overseas rights and interests of our citizens.

Summing up the above analysis, we can see that there are legal problems in dealing with the six kinds of risks faced by the key areas of our country. Therefore, it is imperative to use the rule of law thinking to resolve major risks.

The necessity of using the thinking of the rule of law to resolve major risks

Xi Jinping pointed out that it is necessary to enhance the awareness of hardship and guard against risks and challenges. Seeing the risks brought to us by the development and changes of the situation, we should focus on the worst, make the best preparations, work in a good direction, and strive for the best results. Thus it can be seen that it is necessary to make full use of the thinking of the rule of law to resolve major risks.[3]

Firstly, law is the biggest and most important

rule of governance. In Xi Jinping's view, the rule of law is the basic way of governing the country. The key to governing a country and a society is to establish rules, observe rules and obey rules. In the long-term practice of governing the country, the law is the biggest and most important rule of governance. To promote the modernization of the national governance system and governance capacity, we must strictly enforce the rule of law.

Secondly, no one has absolute power outside the law. Xi Jinping stressed that it is necessary to make good use of the yardstick of "rule of law thinking" and use "rule of law thinking" to standardize the operation of power. It is not allowed to substitute words for the law, oppress the law with power, break the law for profit, or bend the law for personal gain. As long as it violates the law, responsibility will be investigated in accordance with the law, and "gaps" in law enforcement and judicature will never be allowed.

Thirdly, the application of the rule of law thinking is conducive to deepening the reform. Xi Jinping believes that all major reforms should be based on the law, ensure that the reform is promoted on the track of the rule of law, and promote the reform with the thinking of the rule of law. The thinking of the rule of law should be used in planning, the rule of law should be used to deal with problems, and whether it is legal to say and do things should be considered first. Turn the respect for the rule of law and the awe of the law into the way of thinking and behavior.

How to use the thinking of the rule of law to resolve major risks

China is facing a complex and changeable security and development environment, various foreseeable and unforeseeable risk factors have increased significantly, and the task of safeguarding national security and social stability is arduous. Therefore, we must prevent, stop and crack down on criminal activities that endanger China's national security and interests in accordance with the law, and create a new situation in national security work.[2]

Based on the risks faced by the major areas of our country, we should do a good job in the following six aspects.

Firstly, in terms of maintaining political security, the most fundamental thing is to continue to promote the institutionalization and legalization of the Party's leadership. First, China's rule of law system should be matched with the socialist political system with Chinese characteristics. China's state sys-

tem of people's democratic dictatorship, the system of government of the people's Congress, the system of multi-party cooperation and political consultation under the leadership of the Communist Party of China, the system of ethnic regions, and the system of basic mass autonomy all embody distinct Chinese characteristics. This system can effectively safeguard the interests of national independence, sovereignty, security and development, give full play to the advantage of concentrating efforts on major issues, and effectively promote the liberation and development of social productive forces. The system of the rule of law in our country should be matched with this system. Secondly, the key to adhering to the road of socialist political development with Chinese characteristics is to adhere to the organic unity of the leadership of the party, the people being the masters of the country and running the country according to law. We must adhere to the constitutional concept that all state power belongs to the people, and most extensively mobilize and organize the people to correctly handle the relations between the central and local governments, ethnic groups, and interests of all parties in accordance with the provisions of the Constitution and laws. We should give full play to the advantages of China's socialist political system and constantly promote the self-improvement and development of the socialist political system.[4]

Secondly, in maintaining economic security, it is necessary to adhere to and improve the basic socialist economic system. First, we must adhere to the public ownership as the main body, the common development of various forms of ownership, distribution according to work as the main body, the coexistence of various forms of distribution, and adhere to the socialist market economic system, the socialist basic economic system. Secondly, efforts should be made to create a business environment governed by the rule of law, speed up the adjustment of the economic structure, promote the optimization and upgrading of the industrial structure, and enhance international competitiveness and influence.

Thirdly, in the maintenance of cultural security, it is necessary to raise the level of propaganda through the rule of law. First, the law should be used to promote the construction of core values. All kinds of social management should assume the responsibility of advocating socialist core values and pay attention to reflecting value orientation in daily management so that behaviors in line with core values are encouraged and behaviors that violate core values are restricted. Secondly, it is

necessary to strengthen the social management of the network in accordance with the law, strengthen the management of new network technologies, and ensure the standardized use of the Internet.

Fourthly, in terms of safeguarding social security, we should adhere to source governance, systematic governance, and governance according to law, and promote the formation of a good environment in which handling affairs in accordance with the law, finding ways to solve problems, and resolving contradictions depend on the law. In this regard, we need to do a good job in the following five aspects.

First, with regard to the issue of maintaining stability involving safeguarding rights, we should pay attention to solving the reasonable and legitimate interests of the masses. We will comprehensively promote the rule of law, better safeguard the legitimate rights and interests of the people, guide the masses to resolve all kinds of social contradictions through legal procedures and legal means, and create a good atmosphere for handling affairs in accordance with the law and seeking the law in case of trouble. The second is to further promote the comprehensive management of public security. We will strengthen the treatment and management of key issues such as endangering food safety and environmental pollution, and resolutely curb the occurrence of major public safety accidents. The third is to establish a sound pattern of anti-terrorism work, rely on the masses, carry out in-depth various forms of mass prevention and control activities, and maintain the situation of severe crackdown and high pressure. Fourth, improve the responsibility system for disaster prevention, reduction and relief, and clearly and strictly implement the responsibility system. We will improve the legal system for production safety and disaster prevention and relief. The fifth is to create a social governance pattern of co-construction, co-governance and sharing, strengthen the construction of social governance system, improve government responsibilities, and improve the legal, intelligent and professional level of social governance.

Fifthly, in the maintenance of ecological security, only by implementing the strictest system and the strictest rule of law can we provide a reliable guarantee for the construction of ecological civilization. Therefore, it is necessary to do a good job in the following three aspects.

First, it is necessary to build an environmental governance system with the government as the lead, enterprises as the main body, social organizations and the public participating together.

Second, it is necessary to reform the eco-environmental supervision mechanism, optimize the eco-environmental management system, and uniformly exercise the responsibilities of all natural resources owners of the whole people. Third, it is necessary to establish a system for controlling the total amount of marine pollution, formulate plans for the protection and utilization of coastlines, and seriously investigate and deal with illegal acts.

Sixthly, in terms of safeguarding the security of overseas interests, we should strengthen the prevention of risks encountered by our citizens and legal persons overseas, and improve the ability of overseas security. First, it is necessary to constantly optimize the laws and regulations for the protection of China's overseas citizens and legal persons, and effectively safeguard China's overseas interests. Secondly, Chinese enterprises overseas should not only attach importance to economic benefits, but also abide by the laws of the host country and assume more responsibilities that are social. Finally, we should work with other countries to promote the development of international law

governance relations and contribute China's efforts to building a community with a shared future for humanity.

Conclusion

In a word, do not be afraid that the clouds cover your eyes, and you should keep your eyes open when the scenery is long. The great rejuvenation of the Chinese nation can by no means be easily realized. Under the grim and complicated situation, the Communist Party of China should bear the historical responsibility of "success must have its own", never forget its initial ideals and aspirations, and do a positive deed. We should use the thinking of the rule of law to do a good job in preventing and defusing risks.

Conflict of interest

None to declare.

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