

On Peng Zhen's Democratic Legislation Thought

Shaopei Yan

Institute of Law, Shanxi University of Finance and Economics

passion123666@163.com

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Abstract: Mr. Peng Zhen is one of the main founders of the socialist legal system in China. He led and participated in the construction of socialist legislation in the 1980s and 1990s. His democratic legislative ideas not only shine in the history of the development of China's democratic legal system, but also China has laid a solid foundation for the development of democracy and the legal system. For the legislation of socialism with Chinese characteristics in the new era, we can learn from Mr. Peng Zhen's legislative thoughts and provide reference for the future legislative development direction and legislative needs.

1. Introduction

Mr. Peng Zhen is a great proletarian revolutionist and politician. He is one of the main founders of the socialist legal system in my country. He made positive and useful explorations for the improvement of the national legal system of the two generations of party and state leadership collectives with Mao Zedong and Deng Xiaoping at the core. Mr. Peng Zhen devoted his whole life to the construction of my country's socialist democracy and legal system. Through his unremitting efforts, he made immortal contributions to the development of my country's democracy and legal system and the modernization of socialism.

As the older generation of revolutionaries and politicians, their legislative thoughts are precisely the essence of thoughts left over after historical tests. Using history as a mirror, one can know the gains and losses. Mr. Peng Zhen's democratic legislative thought guides us like a beacon. In terms of the new era of legislation and the new journey of legislation in my country, drawing on the experience of previous generations, combining the actual national conditions, and thinking and innovating can solve the current problems in my country's democratic legal system construction and provide ideas for the development of the democratic legal system in the future.

2. The core content of Peng Zhen's democratic legislative thought theory

During the long-term leadership of the legislative work and presided over the work of the Standing Committee of the National People's Congress, Mr. Peng Zhen continued to sum up experience, fully understand and painstakingly explore China's legislative work, form his own unique legislative thought, and propose the guiding ideology and basic principles of legislative work, for The content of China's democratic legislation provides a solid theoretical basis. This not only further strengthened the construction of China's socialist democracy and legal system, but also provided lessons for China's subsequent legislative work.

2.1 Legislative work should proceed from reality

Starting from reality is the basic requirement of scientific legislation. From the perspective of jurisprudence, law belongs to the superstructure of society and is determined by the socio-economic foundation. At the same time, it also serves the economic foundation. The emergence and development of law are determined by the objective needs of adjusting social relations. Legislation should not only proceed from the actual national conditions of a country, but also from the actual social conditions of the economy, politics, and culture. Mr. Peng Zhen's emphasis on the implementation of laws is reflected in two aspects: first, it pays attention to the investigation and

research of customs and traditions; second, it takes into account various different opinions comprehensively, so as to get more details. Respect the living habits of all parties. For major and controversial issues in grassroots life, set up a special research team to conduct on-site investigations on research issues, visit and inquire, seek opinions from multiple parties, and finally draw up a highly enforceable draft law.

My country is a multi-ethnic country with different populations and environmental conditions, and uneven development in all areas. Therefore, my country's legislation must proceed from the greatest social reality of the primary stage of socialism, rationally stipulate the rights and obligations of all parties, and the powers and responsibilities of various state organs. This is the practical need of legislation. At the same time, legislative work must pay attention to the ideological guidance of Marxism-Leninism and strengthen the in-depth analysis of theory. We must draw on the outstanding results of domestic and foreign legislation, actively carry out social practice, proceed from reality, seek truth from facts, test whether our legislation meets practical requirements, and then achieve the goal of ensuring and promoting the smooth progress of socialist modernization.

2.2 Legislative work must be coordinated and unified

Mr. Peng Zhen clarified the effectiveness of laws in different positions and established a hierarchical legal system. Laws are formulated by the National People's Congress and its Standing Committee, administrative regulations are formulated by the State Council, local regulations are formulated by the Provincial People's Congress and its Standing Committee, and regulations are formulated by the ministries and commissions of the State Council and the provincial government, which promotes the establishment of a unified and unified state Legislative system and legal system.

Legislation work must be carried out in strict accordance with the Party's principles and policies while being in line with reality. It should be based on the Constitution. It must not deviate from the basic points of legislative thinking and strictly guarantee the unity of legislation. Collect and study the results obtained after the on-site implementation of the guidelines and policies, improve the policies that are mature and highly implementable, and finally determine them in the form of laws to ensure the quality of legislation.

But at the same time, there is still a game of interests among various departments, between various agencies, and among local interest groups. For example, when multiple departments jointly draft a certain regulation, each department usually stands in the position of the department, and it is also the interests of the department to consider more, which will lead to more obvious "departmental legislative traces" in the draft regulations submitted. At this time, all parties need to talk directly, fully express their opinions, coordinate and balance the interests of all parties, and finally achieve the harmonization and unification of legislative work.

2.3 Legislation should protect the interests of the people

From the perspective of the value of law, legislation includes the pursuit of values such as equality, fairness, and order, as well as the good attributes and qualities of law itself. The socialist legislative system reflects the usefulness of the socialist legal system in meeting the needs of the people, safeguarding the interests of the people, and paying attention to the unity of the interests of the people and individual rights. Judging from the nature of the country, my country is a socialist country with a people's democratic dictatorship, that is, the fundamental interests of the vast majority of the people are safeguarded and guaranteed by the party and the state. Mr. Peng Zhen believes that we have eliminated the exploitation system, the people of all ethnic groups in the country have the same fundamental interests, and the party as the proletarian vanguard should implement a high degree of democracy and a high degree of concentration in the legislative work. At the same time, the masses are the masters of history and the main body of practice. Legislative work is based on the interests of the people, helping them solve problems and solve problems for the people, which is in line with the wishes of most people. The masses of the people will support the legislative work, actively abide by the law, and safeguard the dignity of the law. Only in this way can the legislative content have a broad mass base and the enacted laws can be smoothly

implemented.

Legislators should use the objective law of historical development and the best interests of most people as the standard, that is, to achieve the unity of purpose and law. Cadres should play an exemplary role, truly implement the content of work, respect the rights of the people, ensure the consistency of the fundamental interests of the people, and coordinate and handle the interests between departments, localities, and groups. The content of legislation should not be too tedious, and the formulation of concise and concise legal provisions can help the people better understand the essence of the law.

3. Concrete Practice of Mr. Peng Zhen's Democratic Legislation Thought

3.1 Improve the people's congress system

The legislative power is the core of the legislative system. The May Fourth Constitution clearly stated that the Standing Committee of the National People's Congress can only make laws and regulations but not laws. However, in the face of the actual development of New China, the National People's Congress cannot meet the national legislative needs in a timely manner. Mr. Peng Zhen proposed to moderately expand the legislative power of the NPC Standing Committee and hand over part of the legislative work to the NPC Standing Committee. In 1982, the revised "Constitution" stipulated that the national legislative power was jointly exercised by the National People's Congress and its Standing Committee, and the scope of the legislative power exercised by the National People's Congress and the Standing Committee of the National People's Congress was clarified. Practice shows that this provision not only reduces the legislative burden of the National People's Congress, but also improves the efficiency of legislation and reflects the demands of the people in a timely manner.

The expansion of the legislative power of the Standing Committee of the National People's Congress has improved the efficiency of legislation and has also accelerated the pace of legislative work. China has a vast territory and a vast territory, and the actual situation and needs of different regions are different. Mr. Peng Zhen proposed to give local people's congresses and their standing committees certain powers under the leadership of the central government to give full play to local enthusiasm and achieve local regulations. Adapt to local conditions and adapt to the time.

3.2 Improve the review process of the NPC Standing Committee

In the past, the procedures for reviewing draft legislation by the Standing Committee of the National People's Congress were unclear, which led to the need for temporary coordination and discussion of solutions by various departments, which prevented members from carefully studying the draft law and voting. Faced with this problem, Mr. Peng Zhen proposed: For a certain draft law, the chairman's meeting first judges whether to include it on the agenda of the Standing Committee; if the Standing Committee agrees to be included in the agenda, then The Standing Committee conducts preliminary deliberation on this draft law; afterwards, the draft is submitted to the Legal Committee and the corresponding special committee for deliberation and amendments. The setting of this procedure was incorporated into the "Rules of Procedure of the Standing Committee of the National People's Congress" in 1987. Two or more trials of the draft law greatly played the role of the Standing Committee of the National People's Congress in deliberation of the law, and has the essence of improving the democratic legislative process. Significance.

In order to make the content of the draft law more perfect, Mr. Peng Zhen encouraged members of the Standing Committee to conduct field visits and extensively listen to the revision opinions of all parties in order to better review the draft law.

3.3 1982 public participation in the discussion of amendments to the Constitution

Mr. Peng Zhen's democratic legislative ideas are extremely advanced. He proposed to cultivate democratic consciousness among the broad masses and cultivate democratic habits, and was the first person to propose this proposition within the party. In April 1982, the "Draft of the Constitution

of the People's Republic of China" was introduced, and people from all over the country actively participated in the discussion of the draft of the constitution. Many overseas Chinese and compatriots from Hong Kong and Macao also participated in this discussion, and gave valuable amendments based on the national conditions of my country at that time and the relevant legal content of the location. According to records, within four months of the introduction of the revised draft, nearly 90% of the adult citizens in all regions participated in the discussion. All parties actively put forward corresponding revision opinions according to the actual situation. In the end, the Constitution Amendment Committee further revised and perfected the draft law based on the opinions and suggestions from the people. The large number and scale of participants in this discussion have inspired the political enthusiasm of the people throughout the country to manage the country, and incorporated the content of the people's opinions into the Constitution, so that the Constitution can better gather the wisdom of the people.

4. The practical significance of Mr. Peng Zhen's democratic legislation

4.1 Implement democratic thinking in legislative work

The development direction and content of modern democratic legislation are consistent with the common sense recognized by the general public, and the law has been integrated into the lives of the people. The enacted laws are both professional and technical, and can be understood by the public, and the laws and regulations are implemented.

Public legislative participation shows the characteristics of participation in grouping, diversification of participation forms, expansion of participation breadth and enhancement of participation depth. In the process of compiling the Civil Code, the legislator knew that the civil law was closely connected with the people and had thousands of households. Therefore, he insisted on opening the door to legislation, specifically opening up online channels on the Chinese People's Congress to solicit opinions. According to the background data on the Internet, more than 400,000 amendments and suggestions were received before the deadline. Liu Junchen, deputy director of the Legal Work Committee of the Standing Committee of the National People's Congress, said that the members have sorted out and sorted the collected opinions and responded to the hot issues in the society and the issues of high public concern.

4.2 Modern legislative procedures continue to improve

Modern legislative procedures are democratic, open, and negotiated. At present, the people's awareness of the legal system is constantly increasing, and their enthusiasm for participating in legislation is generally increasing. Most of the legislative process will use various forms such as organizing demonstration meetings, legislative hearings, and opening up channels for public opinion to collect suggestions from all parties. Parliamentarians who directly participate in legislation and represent public opinion have a real opportunity to fully express their views, and through repeated discussions and voting, they will eventually form a national will that meets the interests of most people and meets the actual national conditions, to avoid the emergence of legislative policies that fluctuate with the tendency of leaders. The situation has maintained the authority of the law. The openness of the legislative process fully guarantees the people's right to know, and makes the legislative activities public to the masses at the first time, helps the masses understand the work of the legislature and supervises the actions of the legislators, allows the legislative power to be conducted in the sun, and accepts the people's review and assessment. To a certain extent, the integrity of legal institutions is protected. The legislative process is negotiating. In a sense, legislation is actually a negotiation process of interest expression, conflict of interest, coordination of interests, and integration of interests. It coordinates the interest relations between various legislative departments and regions, and then seeks consensus and Agree on legislative agreement.

5. Conclusion

Mr. Peng Zhen is a shining light in the development of socialist democracy and legal system with Chinese characteristics. He is good at using Marxist positions, viewpoints and methods to analyze existing problems and propose solutions. He has the courage and talent to deal with complex problems. He analyzes and evaluates problems from the overall position and objective and fair perspective. The brilliance of thought and morality is worth learning for each of us.

As a legal student, you should earnestly learn and enrich your professional knowledge, actively carry out social practice and actively participate in social volunteer public welfare service activities, truly understand the social situation, improve your own legal and moral literacy, and have to serve the people and solve problems for the people. Awareness. According to the hope put forward by General Secretary Xi Jinping at the 19th National Congress of the Communist Party of China, he will strengthen his sense of responsibility and mission, and do his utmost to contribute to the development of my country's democratic legal system.

References

- [1] Peng Zhen. On socialist democracy and legal construction in the new period [M]. Beijing: Central Document Publishing House, 1989:325-326
- [2] Zhang Wenxian. Jurisprudence [M]. Beijing: Higher Education Press, Peking University Press, 2003: 235.
- [3] Shi Pengcheng. On Mr. Peng Zhen's legislative thought in civil law [J]. Shang, 2016(32): 259-261.
- [4] Huang Shaoling. Legislative coordination: the fulcrum of seeking a balance of interests [J]. Master Chu Tian, 2009(10): 33-35.
- [5] Peng Zhen. On the political and legal work in New China [M]. Beijing: Central Document Publishing House, 1992:268.
- [6] Guo Fuyou. Peng Zhen's legal thought and its contemporary inspiration [D]. Hunan University of Science and Technology, 2011.
- [7] Wang Hanbin. Comrade Peng Zhen's outstanding contribution to the construction of my country's socialist democracy and legal system [J]. Chinese Law, 1997 (06): 3-17.
- [8] Zhu Liyu, Yi Youlu. Peng Zhen's democratic legislative thought and its impact on legislative practice [J]. Reality, 2008, 9.
- [9] Liu Wujun. Jurisprudential analysis of legislative procedures [J]. Journal of Yuzhou University (Social Science Edition), 2002(01): 62-66.