

# *Analysis of Poverty Alleviation Legislation Based on "Ruling the Country by Law"*

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**Keywords:** ruling the country by law; poverty eradication; the current legislative program; legislative necessity; legal basis;

**Abstract:** It is an important strategic task for the Communist Party of China and the government to win the "battle to help the poor". The crucial task of poverty alleviation needs legislation justice, which is the inherent requirement of governing the country according to law and is also the fundamental guideline for poverty alleviation work. To strengthen poverty alleviation legislation, it is necessary to first sort out the current legal program of poverty alleviation in China, so as to establish the poverty alleviation project. Secondly, it is necessary to strengthen the understanding of the necessity of poverty alleviation legislation and accelerate the process of poverty alleviation legislation. With these, the legal basis of poverty alleviation should be fully demonstrated to enhance the scientific nature of poverty alleviation.

In September 1995, 'The Rule of the Socialist Country by Law' was stipulated as the guiding principles of the Communist Party of China to implement its administration. Since then, China has entered the "fast lane" of legislation. In March 1999, the "rule of law" was incorporated into the national constitution. In October 2014, the CPC Central Committee made the "Decision on Several Major Issues of Comprehensively Promoting the Rule of Law"; In August 2018, the first meeting of the Central Committee on the Comprehensive Rule of Law made new major arrangements for the comprehensive rule of law and elaborated a series of new ideas and strategies for the comprehensive implementation of legislation. The rule of law, as the basic way of governing the country, covers all aspects like economic, political, social and cultural life. Poverty alleviation, as an important strategic task of the party and the government, is related to the well-being of the people and should be carried out on national legislation.

## **1. The Current Status of China's Poverty Alleviation Legislation**

It is an important strategic task of the Communist Party of China and the government to win the "war on poverty alleviation". Since the reform and development, especially since the 18th National Congress of the CPC, under the leadership of the Communist Party of China, the government has led the people of all ethnic groups in the country to carry out a series of anti-poverty activities according to local conditions and a series of explorations for the continuous pursuit of a better life, and gradually form a poverty alleviation and development road with Chinese characteristics ". For these, national strength was promoted greatly. To overcome poverty, we should proceed on taking

the legislation approach. At present, there are still a series of problems in poverty alleviation and legislation in China, such as imperfect legislation, nonstandard administrative law enforcement, imperfect supervision and restriction mechanism, imperfect judicial relief mechanism, etc.

First, the legal system for poverty alleviation is not perfect. At present, China's legislature has not yet formulated a unified poverty alleviation principle, and poverty alleviation legislation is defined among various administrative regulations. Effective laws and regulations concerning the rights and interests of the poor and poverty alleviation and development are limited to the very few laws and regulations such as Article 85 of Chapter X of the Agricultural Law of the People's Republic of China revised in 2012 and the Measures for the Administration of Special Poverty Alleviation Funds from the Central Government formulated in 2017. This has led to the low effect of the poverty alleviation law. On the other hand, the quality of local legislation for poverty alleviation in all provinces, cities and autonomous regions needs to be improved. Some provinces and cities copied the poverty legislation of other provinces and cities, while some local poverty legislation is still blank.

Second, there are many problems in the field of poverty alleviation and law enforcement. In the practice of helping the poor, administration is an important element to accelerate poverty alleviation process. Poverty alleviation, enforced by local government rather than the charity organizations, has obvious advantages in the allocation of poverty alleviation resources, project promotion and implementation efficiency. However, the mode also has obvious shortcomings and deficiencies. The excessive pursuit of immediate results by government and administrative officials will easily lead to the utilitarian nature of poverty alleviation work. Some administrative officials set political achievements as the target. "The existence of performance work means the disconnection between public needs and financial arrangements. Formalized malpractice means the unbalanced development between financial capital input and output. Social exclusion leads to the poor being branded as marginal groups. In addition, "corruption in the poverty alleviation field is frequent and involves many links, a wide range of fields and various forms.

Third, poverty alleviation work lacks supervision. The grading of poverty, the distribution of poor resources and the withdrawal mechanism of poor households are the core issues in the poverty alleviation work. If these rights are highly concentrated in the government and in the hands of a few officials, it will easily lead to problems such as unfair distribution of resources and corruption. Therefore, anti-poverty should "properly decompose the power, open the operating procedures of the power, draw up lists of power and responsibilities, standardize the use of the power, strengthen social supervision of the power, form a scientific and effective system of restricting and supervising the operation of the power, limit the power with legal system, and build the well-balanced and effective anti-poverty system.

## **2. The Need to Speed up Poverty Alleviation Legislation**

In December 2011, Article 47 of the Outline for Poverty Alleviation and Development in Rural China (2011-2020), issued by the CPC Central Committee and the State Council, clearly stipulates 47(2011-2020): "Strengthen the legal system. We will speed up poverty alleviation legislation so that poverty alleviation work can take a legal track as soon as possible. "Accelerating anti-poverty legislation is not only a realistic need for anti-poverty, but also an objective requirement for poverty alleviation by ruling the country according to law.

First, in the long run, poverty alleviation legislation needs to be accelerated in order to achieve full poverty alleviation. Anti-Poverty work needs to be regulated by law, which should be the primary task in the future. Anti-Poverty is a long-term undertaking that requires long-term efforts. It cannot be achieved overnight or once and for all. By 2020, according to the current poverty

standard, the whole country has achieved the task of eliminating poverty in an all-round way, but the incidence of poverty will not drop to zero. Poverty standards will increase with the development of economy and society. There are various reasons for poverty. There will always be poor groups in society. Therefore, anti-poverty legislation should be strengthened, and anti-poverty should be regulated as an mission for a long time, so as to ensure the rights of the poor population to be realized.

Second, from a realistic point of view, there are many problems in the existing poverty alleviation laws. As the anti-poverty rule of law is not perfect enough, the current poverty alleviation work mainly depends on policies. Policies have their own advantages in poverty alleviation work, but the nonstandard, unstable policies and the extensive contents of standard policies easily lead to various problems in the actual process of poverty alleviation and development, such as the large discretion in determining poverty alleviation projects, resulting in the lack of public opinion and social foundation in the determination of poverty alleviation projects. This is quite different from the actual needs of the poor groups.

Third, the local anti-poverty legislation practice paves the way to the national anti-poverty legislation. At present, China's poverty alleviation legislation at the national level has not yet been promulgated, but some local poverty alleviation regulations have made useful explorations and practical attempts in this regard. Guangxi, Hubei, Heilongjiang, Chongqing, Guangdong, Shaanxi, Gansu, inner Mongolia, Guizhou, Yunnan, Sichuan and other places have successively enacted poverty alleviation laws and regulations. It is clear that China has not yet fully issued a unified poverty alleviation legislation, but the local governments have enacted local poverty alleviation laws and regulations according to the actual situation of local poverty alleviation programs, which is conducive to standardizing various acts of local poverty alleviation and also lays a legal foundation for the central poverty alleviation legislation.

### **3. The Legal Basis of Poverty Alleviation Legislation**

Based on the above analysis, strengthening anti-poverty legislation is both necessary and feasible. Anti-Poverty legislation has sufficient legal basis.

First, anti-poverty legislation is necessary to protect citizens' right to subsistence and development. The right to subsistence and development is a basic human right and a primary human right. Protecting citizens' rights to subsistence and development is the basic responsibility of the state. The right to subsistence includes the right to guarantee basic life. The right to life is the minimum human right, which includes not only the material and living materials needed by individual survival, but also the dignity right of individual survival and development. The right to basic living security is realized through the state's guarantee of citizens' employment, medical care, old-age care and the perfection of various social relief systems. These require to strengthen poverty alleviation legislation to ensure the basic survival and development of the poor; When the interests of the poor are infringed, they can also safeguard their legitimate rights and interests according to law through anti-poverty legislation.

Second, anti-poverty legislation is necessary to respect citizens' right to know, participate and supervise. Poverty alleviation should fully respect the wishes of the poor and give poor households the right to know the truth, the right to choose, the right to participate and the right to supervise. In 2012, the world conference on sustainable development pointed out that "people are the center of sustainable development" and "people should have the right to decide their own lives and future, participate in decision-making and express their opinions on matters of concern, which is crucial to sustainable development."In the poverty alleviation work, poor farmers have the most intuitive feelings about the implementation of poverty alleviation projects and the effects. Therefore, it is

necessary to fully mobilize the enthusiasm and creativity of poor farmers to participate in the supervision of poverty alleviation projects, and to ensure the right to know the incident, the right to choose and supervise. In particular, the supervision authority, through the formation of a supervision committee with the participation of representatives of poor farmers, will expose violations of laws and regulations in the process of poverty alleviation, so that poor farmers will become the main supervision body of poverty alleviation projects.

Third, anti-poverty legislation is necessary to embody socialist fairness, justice and superiority. In a modern administrative country, the state and the government are the distributors and regulators of social benefits, and it is basic duties of both the local and central governments to take care of the vulnerable groups in society, distribute social resources, opportunities and benefits fairly, to keep social justice. Britain, the United States, Germany, Japan and other western countries have issued Acts to improve the living conditions of the poor, eliminate poverty and effectively promote social equity. As a socialist country, China should pass anti-poverty legislation to eradicate poverty and achieve common prosperity. As the World Conference on Sustainable Development held in 2012 reaffirmed, government is required to "promote the living condition of the poor and vulnerable ... and strives for full and productive employment and decent work for all".

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## References

- [1] Wu Zhenlei. *40 Years of Reform and Opening-up of Zhang Kexin, The Evolution of Chinese Characteristics and Prospect of Characteristic Poverty Alleviation Path*, *Journal of Northwest University (Philosophy and Social Sciences Edition)*, 2018
- [2] Huang Chengwei. *An Outline of Xi Jinping's Poverty Alleviation Thought [J] Establishment Fujian Humanities and Social Sciences Edition*, 2018 (01)54-64.
- [3] Meng Qingyu. *Anti-poverty Legal Issues [J] Legal Science (Journal of Northwest College of Political Science and Law)*, 2003(01): 24-32
- [4] Cheng Shiyong, Qin Meng. *Multidimensional Urban Migrant Workers in China Poverty Measurement and Precise Poverty Alleviation Strategy Choice [J. Teaching]*. 2017 (04)
- [5] Mo Guanghui. *Precise Anti-Corruption Policy Accurate Poverty Alleviation Performance Promotion Machine for Eco-governance Guarantee. Nine Political Forum on System Series Studies*, 2017 (1)
- [6] Zheng Zhen. *Promoting by Thinking and Way of Ruling by Law Accurate Poverty Alleviation [N]. Guangming Daily*, 2016-0618 (07)
- [7] *Construction of Rule of Law Mechanism for Deep Poverty Alleviation in Ninglin Analysis of Chongqing Social Science*, 2018 (01) 93-100
- [8] [Yang Cheng. *Theory on the Legal Guarantee of Precision Poverty Alleviation*, *Hebei Law*, 2018 (05): 21
- [9] Zhou Wei. *Research on Judicial Relief of Constitutional Fundamental Rights[M]. Beijing: People's Public Security University Press*, 2003:76.
- [10] Xi Jinping. *View on Poverty Alleviation at the Eighteenth National Congress Important Discussions and Abstractions [Party Building*, 2015 (12)5-7.