

The Contemporary Value of Marxist Legal Theory

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Abstract: Marxist Law is a Scientific, People-Oriented, Practical and Open Legal Theoretical System. the Scientific Basis of Marxist Law is Based on Marxist Scientific Theory System, and It is a Legal Theory System That is Constantly Concentrated, Developed and Perfected. Marxist Jurists Stick to People's Subjective Status, Emphasize the Category Nature of Law, Always Support the Class Status of Serving People, and Take People's Interest as the Basic Starting Point and Judgment Standard. Marxist Law is Not a Dogma, But a Highly Comprehensive, Open, Developing and Innovative Theoretical System. the Openness and Sense of Guilt of Marxist Law Make Marxist Law Scholars Have Stronger Explanatory Power, Critical Power, Recursive Power and Guiding Power for China under the Rule of Law. in the Process of Ruling the Country by Law, We Must Always Adhere to the Guiding Position of Marxist Law, and Reasonably Absorb the Latest Achievements of Human Civilization Development under the Rule of Law in Accordance with This Standard.

1. Introduction

The 100th Anniversary of the Revolution in October 2017 is a Milestone of the Marxism Century in China. May 5, 2018 is the 200th Anniversary of Marx's Birth. as a Laborer of Law, the Two Important Periods of These Foundations Are the History of the Development and Formalization of Marxism Monument, Especially Marxism, the Law of Marxism Monument, the Combination of Our Profession and Research Field, the History of Observation and Analysis Reminds Me. in Addition to the Importance of Finding the Time for the Future Development of Marxist Law, in Fact, Marxist Law is an Important Basis for the Theory of Chinese Characteristics and Chinese Characteristics, as Well as the Legal Ideology Dominated by Socialism and Socialism, But That is to Take the Central Government Seriously and to Be Established[1]. the Construction of System, Textbook, System, Curriculum System, the Change of Marxist Law and Economics in Ordinary Schools, the One-Sided Interpretation of Marxist Law, Revolutionary Law, Class Struggle Law, and the Fragmentation of the Existence of Law and Marxist Law. in the Practice of Marxism, Individual Researchers Can Not Use the Cross Era Perspective to Understand Marxist Theory, But Marxist Law is a Revolutionary and Important Law. It is Defined as the Historical Doctrines and Schools of Western Methodology or Legal Development. These Understandings Are Not in Line with the Actual Needs of Chinese Marxism in the New Era, Nor with the Facts. the Fundamental Reason Lies in That the Relevant Researchers Do Not Correctly Understand the Scientific, Development and Open Nature of Marxist Law and the Modern Value of Marxist Law. Therefore, through Different Methods, We Have a Comprehensive, Objective and Scientific Understanding of the Scientific Value of Marxist Law, Which Means That the Relevant Understanding is Not the Correct Direction of China's Legal Education, Legal Research and Practice.

2. Marxist Law is the Ideology of Science

2.1 Marxist Scientific Theory System, Including Marxist Legal Theory

From the time of scientific interpretation of Marxist doctrine, Marxist legal thought is a detailed object of discussion. After the Second World War, "Western Marxist law" Research Institute was

formed in the West[2]. The research of these western scholars is full of valuable achievements, but they still have deviation in understanding Marxist law. For example, some western scholars put forward that “there is no Marxist legal theory in the works of Marx and Engels”. Obviously, this view is unrealistic. In fact, it is the literature of classical Marxist writers, the discussion of “the law of forest theft” and the work of special law such as “philosophy of Hegel philosophy”, which not only contains rich legal thinking in the three main theoretical components.

Table 1 Origin of Marxism Socialism

The source of Marxism	German classical philosophy	Dialectics and materialism	Dialectical materialism and historical materialism
	British classical economics	William Patti	Surplus value theory
	Utopian socialism of Britain and France	Saint Simon Fourier	On scientific socialism

2.2 Marxist Law is a Continuously Enriched, Developed and Improved Theoretical System

The emergence, evolution, development and perfection of Marxist legal thought are the process of dialectical development[3]. Each of these steps is an organic link of the development of Marxist legal science. Each stage is accompanied by its own unique contribution. A unified, scientific, logical and self contradictory legal thinking system.

3. Marxist Law is the Action Guide of Legal Practice

3.1 Marxist Jurists Establish the Basic Principles of Practical Legal Services by Criticizing the Past Legal Thoughts

Marxism is a scientific theoretical system with unique practical value. Historical materialism claims that ideology and theoretical views are the product of specific historical conditions. The analysis of specific problems needs to be carried out under specific conditions of time and space. In a sense, all theoretical problems are true[4]. Young Marx was influenced by Hegel's idealism and Bach's materialism. But Marx's greatness transcended Hegel and huberbach, and changed from the view of criticizing legal rationality to the view of historical materialism. This great change comes from Marx's dissatisfaction that the legal thought of the past has neither helped nor changed the world. Marx conceived the social life of Hegel's legal system. On the contrary, the natural elements of the concept of law focus on the role of politics and institutions, and they pay little attention to the law. The common fatal defect of Marx and Hegel's legal insight is that both sides practice social thoughts. On this point, Marx is an important attitude to clearly announce the old world and the new world, so as to be active in the construction work[5]. Take the right path. Similarly, the formation of the legal concept of scientific socialism is inseparable from Marx's critique of utopian socialism based on pragmatism. He pointed out that the utopian socialist thinking is really far away in the field of social customs and history, which ignores the interior of capitalist society. Therefore, the abolition of personal ownership and the construction of an ideal society can not be reduced to fantasy.

3.2 The Practicality of Marxist Law is Rooted in the Summary of Proletarian Revolutionary Experience and Lessons

Through Marx's life, he is the focus of the struggle and the liberation of the proletariat and all mankind, giving his life, paying for the revolutionary practice of the proletariat, paying close attention to the practical casting of Marxist legal thought plays a great role. We should not only pay attention to Marx's general social practice, but also study and summarize experience and practical lessons from the struggle of the proletariat[6]. The remarkable period of class struggle and curriculum outline has promoted the vigorous development of Marxist legal theory. Among them, Marx's scientific generalization of the European Revolution in 1848 is typical. From 1848 to 1849, Marx and Engels induced active revolution and practical activities. After the failure of the revolution, their research summed up the continuity, and in “class struggle in France is 1848 ~

1850”, they wrote “German revolution and counter revolution”[7]. Marx and Engels analyzed the relationship between law and economic development, party politics and class struggle in capitalist society at that time. With the historical development of capitalist legal system, the nature of capitalist political and legal system is increasingly obvious. The dialectical logic between ideology and law criticizes the limitations of the proletariat and the bourgeois law which specifies the strategic conditions for their realization. The historical limits and evolutionary laws of capitalist legal system should be explained on the basis of the sum of the European revolutions of Marx and Engels in 1848[8]. However, it is not clear which state is bad. And replace the old state of the machine. After the failure of the Paris Coleman revolution, according to the practical experience and curriculum of class struggle, Marx put forward a new type of proletariat and a new type of democracy, and changed to the bourgeois state machine. The form of “debate and action organization” is a form of proletariat, suggesting that state governments should be employed.

4. Marxist Principles

In the process of the formation of judgment, Marxism itself is the classical philosophy of Germany, the political economy of Britain, and the assimilation of utopian socialism of France. Therefore, based on its birth, it is a scientific theory, formed according to the performance of previous ideology[9]. Marxist jurists have a relatively systematic theoretical system, but Marxist jurisprudence itself is not a closed and firm doctrine, but an open, developing and perfect legal theoretical system.

5. Marxist Law is the Basic Idea of the Construction of the Rule of Law in Modern China

The founder of Marxism once pointed out that “the real content of all epoch-making systems is formed due to the need of production time”. Marxist legal thought, according to the characteristics of China and the concept of tour guide of buildings in socialist countries dominated by law, has not only become a demand that is not only satisfied in the historical context of a specific era, but also repeated repeatedly, for the correct choice of test, open and open for the practice of China's revolution and construction. At the beginning of the 20th century, the social reality of frequent wars in Chinese society is the historical background of the spread of Marxism in China. At that time, China's advanced intellectuals introduced the theories and doctrines of the bourgeoisie from the West and sought a way out for the Chinese revolution in accordance with the western capitalist model. China's national political system was established according to the Western model, but it failed in the end. After the introduction of Marxism, China relied on the Marxist theory and adopted the theory of the dictatorship of the proletariat in order to break the old order and power. From the period of the new democratic revolution to the early days of the people's Republic of China, under the guidance of Marxist ideology, China completed the great cause of national salvation, made efforts for the independence of the country, and established the people's democratic dictatorship. But it also established the legal system and democracy belonging to people. In the new era of reform and opening up, Marxist law has changed from “human rules” and “rule of law” to realize China's national guidance and rule according to the basic strategy and rule of law. From revolution to construction to reform and opening up, China's main achievements in the construction of the rule of law are all under the guidance of Marxist law. Marxist law is the characteristics of China and the guiding ideology of building a socialist country dominated by law. That's a historic choice. It has been proved by historical practice to be a scientific legal theory in line with the law of China's legal construction.

6. Conclusion

Marxist law is the characteristic of China and the idea of building a socialist country dominated by law. The theory of socialism under the rule of law with Chinese characteristics in the new era is the latest result of the innovation of Marxist legal thinking and the crystallization of contemporary

Marxist legal thinking. In the implementation of the rule of law, the legal thinking of Marxism is the method of being the master of a country and accompanying people with historical materialism. The legal ideology of scientific gender transcends the times and has national influence. Legal theory is the guide of human beings, the guide of human freedom and the pursuit of a better life. In the practice of rule of law in the new era, it is necessary to adhere to the guidance of the theory of socialism with Chinese characteristics. There is no need for us to conduct legal research on Marxist legal thinking. But we must also understand that this method has the background of Marxist jurisprudence. In the practice of legal principles, we are resolute. It goes directly to the marginalization and fragmentation of Marxist legal thinking. In addition, we should resolutely resist any situation. We should have a deep understanding of the modern value of Marxist legal thinking and the belief in the rule of law, and strengthen Marxist belief. The knowledge of legal thinking and the proposition of knowledge guidance.

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