

Briefly introduce the changes of the origin of administrative law in ancient China

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Abstract: This article explores the origin, development, characteristics, and changes of ancient administrative law by interpreting the term administrative law as a foothold. The administrative law originally referred to the holding of positions, mainly manifested in management and execution. The understanding of the content of administrative law is different in ancient and modern times. It is necessary to grasp the content and characteristics of the provisions of ancient administrative law from an objective perspective to restore the changing process of the origin of Chinese administrative law.

1. Introduction

As one of the four ancient civilizations, China has created numerous cultural treasures in its long history, including legal culture. In ancient times, it was not like today that the law could be divided into various departments. For example, constitution, criminal law, civil law, procedural law, intellectual property law, administrative law, etc. However, even so, it can not be denied that in the long history, ancient China has gradually formed its legal system, that is, the latter known as the "Chinese law system."

As the general term of the ancient Chinese legal system, the content of the Chinese legal system is all-inclusive, and "administrative law" must be among them. Some people may say that there was no "administrative law" in ancient China. What is administrative law? As an imported product, the term administrative law simply means that the State exercises its power to regulate social behavior. The society supervises the exercise of state power and the internal relationship between the state power regulators. Therefore, the author believes that there are two concepts in ancient China: the term "administrative law" and the essence of "administrative law". Borrowing the modern explanation of administrative law, the author thinks that ancient China has the essence of administrative law. The following is a brief analysis of the origin and changes of ancient Chinese administrative law.

2. Organization of the Text

2.1 The origin and development of ancient administrative law

"Mencius, King Hui of Liang": "Administration for the people's parents, not free from the rate of animals and cannibalism, evil in their parents also? "In the ShiJi·Yin Benji:"emperor Tai jia, who had been established for three years,was tyrannical and disobeyed the Tang law. It was Yi Yin who put it in Tong Palace. In three years, Yiyin took charge of the administration of the state and ruled the princes. "From this,we can see that the word "administration" appeared as early as the pre-Qin period. However, if the term "administration" is interpreted as taking over state power and managing state affairs, its source is earlier.

Administration and the state are born together. The author thinks that the administrative law should be the administrative management law. Since the emergence of the country, there has been administrative law, but the administrative law in different stages has been given different connotations. The ancient administrative law of our country mainly refers to the law of bureaucratic

organization. In this way, the emergence of ancient administrative law can be traced back to the emergence of the first country, that is, the Xia Dynasty.

In Gaotaomo, there are "a hundred bureaucrats and teachers, and a hundred workers are punctual". Both bureaucrats and workers are literary officials. Also, in the Xia Shu, there are records of "Dufu" in "duty hearing, tax collection", and "chezheng" in charge of cars.

In the sixth year of Zhaogong's biography of Zuozhuan, "xia you luan zheng, er zuo yu xing". GaoTao, the first real judge in China recorded in history, was responsible for the formulation and implementation of criminal law. "Xia Benji" said: "Xia laizhao Tang and the prison of Xia Tai", the management of prison is "Yin Fu" officials.

To sum up, in the Xia Dynasty there was already an administrative system, including the system of 100 officials, the military system, the prison system and other administrative systems of the country.

If the Xia Dynasty is the embryonic stage of slavery administrative law, then the Yin and Shang dynasties have already been the embryonic stage of slavery administrative law.

The earliest existing written law of administrative law in China appeared in the Western Zhou Dynasty, namely "Zhou Li". The main content of Zhou Li is the chief editor of various political systems of the Western Zhou Dynasty. Zhou Li established the administrative system of ancient countries for the first time and initiated the use of allusions to set up official positions. At the same time, it gradually formed the prototype of the ancient administrative system. Zhouli had a great influence on the ancient grass-roots administrative design. Zhouli had the county system provisions, that is to say, the county system had been described in the dynasty before the first emperor of Qin implemented the county system.

Administrative management law, from the germination of Xia and Shang, the development of the Western Zhou Dynasty, to the Qin Dynasty has a significant development. There are several categories of "Qin law" that only involve administrative law

First, the laws and regulations on the selection, appointment, transfer, supervision, cultivation, and ability of officials. Second, laws and regulations on agricultural production, land management, population management, tax collection, market trade, and animal husbandry. For example, Tian law, Ke law, Cang law, Jin Bu law, Guan Shi law, and Shuli law.

Third, there are laws and regulations on military affairs, military achievements, border defense, and military and political affairs. For example, dunbiao law, zhonglao law, and jungle law.

Fourth, laws and orders on judicial administration. For example, Fengzhen style, Weizalv, and Huanqiu stealing law.

Fifth, laws on handicraft industry and dispatching. For example, the law of labor and the law of equal labor.

To sum up, the administrative law in Qin law involves many fields such as agriculture, handicraft industry, taxation, trade, and engineering. In other words, all aspects of national life, such as economy, culture, and politics, embody the basic characteristics of administrative law in the early stages of ancient feudal society and lay the foundation for the formulation of administrative law style in later generations.

Although the content of the ancient administrative law has existed for a long time, it was in the Tang Dynasty that the official administrative code was formulated. In the 26th year of Kaiyuan, the six codes of the Tang Dynasty were promulgated. It is an official administrative code of the Tang Dynasty. At the same time, it is also the earliest existing code of administrative system in China. "Six codes" are derived from Zhou Li, which respectively refer to governing code, teaching code, ritual code, political code, punishment code, and event code. The six codes set up by future generations are derived from this.

By the Ming and Qing Dynasties, the ancient administrative law has been further developed and improved. The administrative laws and regulations of this period are all-inclusive, and the documents and materials preserved are also very rich. In summary, they can be divided into the following categories:

1) Meeting code: Ming meeting code, Qing meeting code. (Code refers to the stipulation of the

establishment, functions and working procedures of all organs of the central government.)

2) The first is the six rules, namely, the six rules of official, household, ceremony, military, punishment and labor.

The second is the rules of the government, the court, and the flag, namely, the rules of the government of internal affairs, the rules of the Lifan court and the rules of the eight banners.

3) Cheng and style categories, namely, the near science test method, the articles of association of the Capital University, and the book style of city wall practice.

To sum up the origin and development of ancient administrative law, mainly experienced four important periods.

2.2 The characteristics of the origin of ancient administrative law

The origin of administrative law, undoubtedly, refers to the manifestation of administrative law. Through the first part of the discussion, we can see that the content of ancient Chinese administrative law is rich and colorful. In different historical periods, due to different political, economic, cultural, scientific and technological factors, the content of its administrative law is different. Accordingly, the forms of administrative law in different periods are different.

First, from a vertical perspective, the change is particularly obvious.

Dynasty	Forms of expression	Representative code
Zhou Dynasty	Dian, six officials	Zhou Li
Qin Dynasty	Law and order	Relevant parts of Qin law
Han Dynasty	Laws, decrees, regulations, stories	Laws of the Dynasty
Wei, Jin, southern and Northern Dynasties	Collection of laws, decrees, codes and stories	Jinlingjicun, Qidian
Sui and Tang Dynasties	Dian, Ling, Ge, Shi	Six classics of Tang Dynasty
Song dynasty	Edicts, decrees, rules, regulations	Qingyuantiao law
Yuan Dynasty	Grid, bar grid, grid rules and regulations	Yuan Dynasty canon, Zhizheng Tiao Ge
The Ming Dynasty	Convention and case	"Ming Huidian"
Qing Dynasty	Meeting code, rule, rule	Qing Huidian

Second, from the content point of view, it mainly includes the following aspects.

The first is the central administrative law formula, similar to the constitution today, which is the highest law of the country at that time and has the supreme authority (of course, under the limitations of the times, it is attached to the imperial power). The second is local administrative law, including general regional administrative law and ethnic regional administrative law, for example, Turkic law, Khitan law, Mongolian law, Tubo law, Xixia law and so on. The third is religious law. As a kind of folk group, religion has a strong cohesive force, and the existence of religion will not be ignored in all dynasties. In ancient times, temple law originated in the Wei and Jin Dynasties, until the Ming and Qing Dynasties.

To sum up, ancient administrative law has many origins, innovation in inheritance and persistence in innovation.

3. Conclusion

The emergence of the word "administrative law" in China is about the period of law revision in the late Qing Dynasty. However, whether there was an administrative law or not in ancient China has been the focus of academic debate for many years. In my opinion, the key is to interpret the word administrative law. If according to western administrative law, it is linked with democratic politics, separation of powers and checks and balances, and human rights protection, there is no such administrative law in ancient China. However, administrative law is not only democratic politics, power separation and balance of human rights protection, it also includes administrative

organization relations, administrative operation relations, and administrative supervision relations. According to this statement, ancient China also had administrative law (although not comprehensive).The ancient bureaucratic organization law occupied the main scope of administrative law. With the development of history and the change of times, the content of Chinese administrative law is also changing and improving.

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