

The Theoretical Logic and Practical Path of Adhering to the Unity of Rule of Law and Rule of Party in the New Era

Mingyue Huang

School of Law, Anhui University of Finance and Economics, Bengbu 233030, China
Email: 247286444@qq.com

How to cite this paper: Huang, M. Y. (2025). The Theoretical Logic and Practical Path of Adhering to the Unity of Rule of Law and Rule of Party in the New Era. *Law and Humanities*, 1(1), 61–68. ISSN Print: 3079-5117; ISSN Online: 3079-5125. <https://doi.org/10.63313/LH.9008>
Published: 2025-05-16

Copyright © 2025 by author(s) and Erytis Publishing Limited.
This work is licensed under the Creative Commons Attribution International License (CC BY 4.0).
<http://creativecommons.org/licenses/by/4.0/>



Abstract

The new era puts forward higher requirements for the unity of the rule of law and the rule of law, and the realization of the organic unity of the two has become an important goal of the modernization of the party and the national governance system. The core of the unity of the rule of law and the rule of law in the new era lies in strengthening the overall leadership of the party, implementing the guiding ideology and basic principles of the party in practice, and ensuring that the national construction of the rule of law and the construction of the party go hand in hand. The advanced nature and purity of the party directly affect the quality and level of the rule of law, and the improvement and implementation of the party's laws and regulations is the key to the realization of the rule of law. Therefore, in the practice of promoting the deep integration of the construction of the rule of law and the party ruled by law, first of all, in the top-level design, it should ensure the mutual connection and support of the two, and jointly form a perfect socialist legal system. Secondly, in the improvement of the party-government joint legislative system and mechanism, it should form a legislative system of vertical connection and horizontal coordination. Finally, in the interaction and coordination of the planning and review, it should strengthen the mutual reference and supervision of the party's laws and regulations and the national laws.

Keywords

Rule of law; rule-based governance over the Party; organic unity; leadership of the Communist Party of China

1. Introduction

Ruling the country according to law is the basic way for the Party to lead the people in governing the country. Since the 18th National Congress of the Communist Party of China (CPC), the CPC Central Committee has attached great importance to the overall promotion and integrated construction of governing the country according to law and the Party according to regulations, and has made a series of important arrangements. On the basis of summing up historical experience, General

Secretary Xi Jinping proposed that "we should adhere to the organic unity of governing the country according to law and the Party according to regulations", and profoundly explained the internal logic and spiritual connotation of the unity of governing the country and the Party.

2. Basic Principles of Unifying the Rule of Law with the Rule of Party

Laws and Party discipline are norms formulated based on the governance needs of the Party and the state, which reflect continuity, stability and authority. In reality, we should not only give full play to the overall effectiveness of the rule of law system, but also safeguard the Party's leadership authority and discipline. The effective combination of ruling the country according to law and ruling the Party according to regulations ensures and promotes each other's leadership and national legal system, which is profoundly embodied in the principles of unity of leadership, unity of people's positions and unity of institutional forms.

2.1. The principle of unity of leadership

The unity of leading forces is the first principle of deepening the practice of the unity of ruling the country according to law and ruling the Party according to regulations in the new era. The unity of the leading forces is specifically manifested in the Party's overall leadership over the rule of law. The Party's leadership is the core feature of the socialist legal system with Chinese characteristics, and the rule of law is an important way and method for the Party to lead the people in governing the country.

The principle of strengthening the unity of leadership is not only the embodiment of the Party's overall leadership at the political level, but also promotes the construction of a sound socialist legal system through a standardized legal system and rigorous legal practice, so that the rule of law and the rule of law of the Party can achieve deeper consistency and interaction in theory and practice. Party rules and national laws are important basis for the party to govern in accordance with the law. Special attention should be paid to the connection and coordination of party rules and national law in the field of the construction of the rule of law [1].

2.2. The principle of unity of the people's stand

Adhering to the principle of "taking the people as the center" is the fundamental position of Xi Jinping's thought on the rule of law. We have to attach great importance to the unity of the people's stand when we thoroughly explore the practice path of combining the rule of law with the rule of law in the new era. The people are builders of the socialist cause. Under the background of ruling the country according to law and the Party according to regulations, the status and role of the people have been further strengthened. The rule of law and the rule of the Party support each other, and their common goal is to safeguard the fundamental interests of the peo-

ple and realize a modern socialist power. The operation of state power must be guided by the interests of the people and embodied in every decision and action of Party organizations at all levels and governments. Therefore, ensuring the protection of people's rights and the realization of fairness and justice have become the basic orientation of both, and laws and regulations and inner-Party regulations can reflect the will of the people and effectively safeguard the fundamental interests and rights of the people.

Adhere to the fundamental political background and spiritual essence of "people's nature" [2], that is, to coordinate and promote the unified principle of the people's position of governing the country according to law and governing the Party according to rules.

2.3. The principle of unity of institutional forms

Under the background of the new era, the unity of ruling the country according to law and ruling the Party according to regulations has become an important task for the Party and the state to build the rule of law. Party rules play a core and key role in governing the country and the Party. "Ruling the Party in accordance with rules is an example of demonstrating the importance of Party rules, and is also the key to governing the country according to law" [3]. What is particularly worthy of in-depth discussion is the unity of the two in institutional form, which is not only the inherent requirement of the modernization of the governance system and governance capacity, but also the fundamental guarantee for the long-term stability of the country.

According to the relevant provisions of the Legislation Law of the People's Republic of China, national laws are normative documents formulated by legislative subjects in accordance with legal procedures, and inner-Party regulations are normative systems for Party members and their political life formulated according to the needs of the ruling Party. First of all, both national laws and inner-Party regulations "embody the fundamental will of the overwhelming majority of the people" [4]. Secondly, this requirement is also reflected in respect for and observance of the Constitution and laws, as well as the maintenance and implementation of the Party Constitution and inner-Party regulations, especially in the organic integration of the two at multiple levels of decision-making, administrative management and law enforcement of the Party and the government. Finally, the national legal system shall be built on the basis of the Constitution and laws, and the inner-Party legal system shall be formed with the Party Constitution and inner-Party regulations as the core. Through the mutual support and integration of these two systems, strong institutional guarantees can be provided for the Party and the state.

3. Theoretical logic of the unity of ruling the country according to law and ruling the Party according to regulations

Both the rule of law and the rule of the Party are law based governance methods,

which are highly consistent in theory and practice. To further improve the mechanism of power balance and supervision, we must better link up Party rules with national laws to ensure the coordination and linkage of functions and responsibilities. In this process, we must ensure that the Party always stands in the leading position of maintaining the legal order of the country and social stability, and give full play to the advantages of the socialist system with Chinese characteristics. Ruling the country according to law and ruling the Party according to regulations complement each other, which not only ensures the normal operation of a country ruled by law, but also consolidates the Party's ruling position and the authority of discipline.

3.1. High consistency between theory and practice

To strengthen the Party's overall leadership in the new era and ensure the unity of ruling the country according to law and ruling the Party according to regulations requires not only a high degree of consistency in theory, but also a close combination in practice. The Party's leadership is believed in in our Constitution and in the legal system of the whole country, and goes deep into all aspects of the rule of law in the country. It is precisely on the basis of the Party's advanced nature and the role of the leading core that a good trend of mutual integration and mutual promotion between the rule of law and the rule of the Party has been formed. The inner-Party legal system based on the Party Constitution has become increasingly perfect, providing a solid normative basis for governing the Party in accordance with regulations. The socialist legal system with Chinese characteristics, with the Constitution at its core, provides an important support for the promotion of the rule of law. Therefore, the leadership of the Party and the laws of the state are not only highly consistent in theory, but also form inseparable joint forces in practice, which jointly guide the development of the modernization process of the national governance system and governance capacity.

3.2. Linkage between functions and responsibilities

When formulating Party rules, we need to consider the framework of national law to ensure that the process of formulating Party rules does not deviate from the basic principles and requirements of national laws. When formulating national laws, we should also consider the Party's development needs and principles and policies, promote the high coordination of the contents of the two, and avoid duplication or conflict between policies. Such a high degree of cohesion and coordination is not only reflected in the written level, but more importantly, it can form effective linkage in the practical level, and complex social effects and political risks need to be considered when specific bills are involved. Advocate and improve the legislative advisory bodies jointly participated by legal experts inside and outside the Party, which can promote the coordinated development of the two within a wider scope. Especially in the key period of law revision and Party rule formulation, strengthen-

ing the role of experts in consultation will help broaden the vision of the decision-making level and deepen the predictability of possible problems and the diversity of solutions in the connection between Party rules and national laws. The concept of convergence and coordination should be implemented in all stages of law implementation, such as legislation and law enforcement. This requires the evaluation and supervision of the implementation effect of national laws and regulations within the Party, the establishment of a scientific and reasonable evaluation mechanism, and the integration of Party rules and national laws into specific practices with executive force at the implementation level. Through in-depth cooperation between legal research and judicial practice, case studies and practical observation of the application of regulations, successful cases and lessons learned are extracted to provide reference for further promoting the improvement of the joint legislation, supervision and evaluation system of the Party and the government.

3.3. The complementary advantages of governing the state and the Party

In the process of promoting the organic unity of ruling the country according to law and ruling the Party according to regulations, the mutual supplement between ruling the country and ruling the Party reflects the integration and interaction of the rule of law and Party building in practice. The principle of governing the country according to law requires that the state power operate within the framework of the rule of law, while governing the Party according to the rules stresses that Party building must be carried out under the guidance of strict Party discipline, and the two parties form a joint force in cooperation to jointly maintain political and social stability. From the perspective of practical operation, governing the country according to law requires the promulgation and implementation of laws to ensure the legitimacy and legality of the operation of various systems. Its focus is to build a legal system with the Constitution as the core, ensure that everyone is equal before the law, and ensure that legal authority is not infringed upon. Ruling the Party according to regulations focuses on strengthening the construction and implementation of the laws and regulations within the Party, especially the Party Constitution and other Party rules. Its core is to enhance the sense of discipline of Party members and cadres, enhance the Party's advanced and pure nature, and strengthen self-improvement from within the Party.

Ruling the country according to law and governing the Party according to regulations are the two pillars of the socialist rule of law system with Chinese characteristics, which have played an important role and practical value in the great rejuvenation of the Chinese nation in the new era. Such complementary advantages will promote China's continuous progress towards the goal of a country, a government and a society ruled by law.

4. Practical Ways to Promote the Organic Integration of Ruling the Country by Law and Ruling the Party by Rules

Standing at a new historical starting point, in order to further deepen the organic and unified practice of governing the country according to law and the Party according to regulations, we should do a good job in top-level design and fully mobilize the enthusiasm of Party organizations, government departments, judicial organs, Party members, cadres and citizens. We should also build reasonable institutional norms, establish and improve the rule of law system and inner-Party laws and regulations, and constantly improve institutional and institutional support. According to actual needs, we will constantly give full play to the advantages of the in-depth integration of inner-Party regulations and the review of national legal planning, and jointly promote the organic unity of ruling the country according to law and ruling the Party according to regulations.

4.1. Building a Top Level Design that Connects and Supports Each Other

Under the background of the new era, the first task of realizing the organic unity of ruling the country according to law and ruling the Party according to regulations is to build a comprehensive and overall top-level design. The design must be based on strengthening the Party's overall leadership, while ensuring the autonomy, seriousness and authority of the construction of the rule of law in the country. To implement this design, we must carry out in-depth institutional innovation for the Party and the state from the height of modernization of the national governance system and governance capacity, and ensure that institutional arrangements can reflect the principle of the rule of law and the leading core position of the Party at the same time. To implement this design, "it is necessary to establish, improve and perfect the system and mechanism of effective connection between discipline and law enforcement"[5]. Specifically, we shall establish a mechanism for the connection of Party rules and national laws, refine the leading and reference status of Party rules in national legislation, and promote the linkage and cooperation of inner-Party rules and regulations with national laws in planning and review.

In addition, a coordination and linkage network composed of the Party's core decision-making organs, state legislatures and supervisory courts can be constructed, so that all departments can realize information sharing and functional complementarity in system construction, resource allocation and policy implementation. The establishment of a coordination network can not only promote the mutual cooperation of laws and regulations and the optimization of processes, but also play an overall role in the publicity and implementation of principles and policies, and ultimately realize the internal unity of the Party's leadership and the rule of law.

4.2. Improving the Party Government Joint Legislation System and Mechanism

Under the background of the new era, promoting the organic unity of ruling the country according to law and ruling the Party according to regulations is a key link in the modernization of the national governance system and governance capacity. First of all, in the formulation, implementation, supervision and examination of inner-Party regulations and national laws, "It is necessary to further establish and improve the joint working mechanism of the party and government, so as to provide basic guarantee for the efficient and orderly convergence and coordination of internal party laws and regulations with national laws" [6]. The implementation of joint legislation between the Party and the government needs to focus closely on key areas such as anti-corruption and organizational construction, which can not only ensure that the direction of governing the country according to law is highly consistent with the Party's principles and policies, but also improve the quality and efficiency of legislative work. Secondly, joint legislation between the Party and the government should adhere to the legislative principles of seeking truth from facts, being scientific and democratic, fully understand and respect public opinion, and ensure that the contents of legislation truly reflect the wishes and interests of the people, as well as the will and requirements of the Party. Thirdly, joint legislation between the Party and the government should focus on deepening legislative research, accurately grasping the needs of laws and regulations, actively absorbing the opinions and suggestions of experts, scholars and grass-roots cadres and masses, and effectively improving the pertinence and operability of legislation. Finally, in the process of implementing the joint legislation between the Party and the government, scientific demonstration and evaluation should be carried out to promote the overall improvement of the quality of legislative work.

4.3. Strengthening the interaction and coordination between inner-Party regulations and the review of national legal planning

Under the background of the new era, the unity of ruling the country according to law and ruling the Party according to regulations, as an important goal of the modernization of the Party and the state governance system, is a necessary path to promote the organic unity of ruling the country according to law and ruling the Party according to regulations by establishing and improving the interaction and coordination between inner-Party regulations and the review of state legal planning. The establishment of this mechanism is a deepening understanding of the unified theoretical logic of governing the country according to law and the Party according to regulations, as well as a strong promotion of the practical path, which is of great significance to maintaining the Party's advanced and pure nature and improving the quality of building a country ruled by law. The establishment of the linkage mechanism means that mutual reference and supervision will be carried out in the drafting, revision and repeal stages of inner-Party regulations and national laws, which strengthens the interaction and coordination between regulations and laws, effec-

tively ensures that Party rules do not conflict with national laws, and national laws do not deviate from the spirit of Party rules. Specifically, a large number of inner-Party regulations and national laws and regulations have high requirements for "the manpower, material resources and examination ability of the subject of filing and examination". In terms of "passive examination", inner-Party regulations need to learn from the national laws to adapt to their own development, which can reduce the workload borne by traditional active examination, improve work efficiency and enhance examination ability, so as to help establish a linkage mechanism for the filing and examination of inner-Party regulations and national laws, and effectively ensure the unity and coordination of inner-Party regulations and national laws. The unified combination of comprehensively governing the country according to law and governing the Party according to regulations in the new era is the major historical mission of our Party to govern and prosper the country, and is also the due meaning of promoting the modernization of the national governance system and governance capacity.

References

- [1] Qiu Manli. The basis, coupling and implementation path of the organic unity of governing the country and governing the party according to regulations [J]. Law Forum, 2023(9):30.
- [2] Miao Lianying. The legal meaning and practical value of the rule of law and the organic unification of the party according to the rule of law [J]. Journal of Henan University: Social Science Edition, 2021(8):27.
- [3] Yangyu City. The logic, practice and path of the organic unification of the rule of law and the rule of the party according to regulations [D]. Xiangtan: Xiangtan University, 2021:12.
- [4] Liu Guohua, Shen Yang. Research on the Organic Unification of the Rule of Law and the Rule of Law [J]. Journal of Harbin Institute of Technology (Social Science Edition), 2022(1):36.
- [5] Zhang Wenxian. Adhere to the organic unity of governing the country according to law and governing the party according to regulations [J]. Politics and Law, 2021(5):11.
- [6] Gao Hong. Consideration and Construction of the "One-dimensional and Two-dimensional" Filing and Examination Model of Inner-Party Regulations [J]. journal of heilongjiang administrative cadre institute of politics and law, 2020(2):11.