

Contemporary Enlightenment of Sinicization of Marxist Legal Thought

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Abstract: As a scientific and systematic legal system, Marxism reveals the source and essence of law profoundly. After integrating it with basic national conditions of China, it has gradually formed the sinicization of Marxist legal thought, which has been applied in the legal practice and given its unique national characteristics, and played an important role in promoting social stability and harmony. This paper discusses the contemporary enlightenment of the Sinicization of Marxist legal thought.

Marxist legal thought is derived from Hegel's philosophical criticism and is organically combined with the practical struggle of the proletariat in the capitalist world. It plays an important role in the realization of human freedom and the promotion of legal process. Marxist legal thought has rich connotation and complete ideological system, which promotes the construction of legal system and the development of legal thought in China.

1. On the sinicization of Marxist legal thought

1.1 The main content of Marxist legal thought

Marxist law has a close relationship with the development of modern capitalist society. The industrial revolution broke out in the 19th century is not only a modernization movement, but also promotes the social change and causes various social problems in the process of change. Marx pays attention to both social problems and social practice. Under the background of his society, Marx summarizes legal thoughts through extensive research on legal works of scholars of all ages, establishes legal journals, and carries out a series of activities to fight for and safeguard legal rights. With the development of proletarian revolution, his thoughts on law are developing towards systematization and theorization. The theoretical basis of Marxist legal thought is dialectical materialism and historical materialism, which breaks through the traditional legal thought and creates the forerunner of legal theory, and forming a real and scientific legal view different from the past. In detail, Marxist law profoundly reveals the nature of law and points out that law is determined by social material living conditions. In addition, Marxist legal thought further emphasizes the importance of law in social life. On the basis of highlighting the sociality of law, it requires the unity of law in sociality and class. Under the premise of affirming that man is the main body of law, Marxist legal doctrine puts forward the idea that the legal system and democracy are dialectical, and law and social phenomena interact with each other.

1.2 The connotation of sinicization of Marxist legal thought

In short, the Sinicization of Marxism refers to the integration of general principles of Marxism with the revolution and construction practice of China in the process of its introduction into China to promote the continuous innovation of Marxism theory and finally form theoretical achievements with Chinese characteristics. Marxist legal thought is an important part of Marxism, and the connotation of its Sinicization is similar to that of Marxism theory. From the moment Marxism is introduced into our country, Marxist legal thought has a great impact on our society. Through the study and practice of successive leaders, they have given different legal thoughts according to different historical stages and different historical tasks. However, as a major mission of the Communist Party of China, inheritance has achieved the inheritance of our legal thought. Therefore, the Sinicization of Marxist legal thought not only refers to the combination of Marxist legal thought

and the actual development of society to form legal thoughts at different stages, but also includes the legal achievement formed by the development of Chinese legal thoughts at different stages ^[1].

2. The necessity of sinicizing Marxist legal thought

Marxist legal thought is derived from the historical experience of western countries, and it truly reflects the social reality of western countries at all stages and the needs and cognitions of different western social strata to the legal system. Marxist legal thought is a summary of Marx and Engels' social practice of the times and past social practices, and the expression of their aspirations for legal thought. However, Marxist thought lacks the previous legal practice experience of China. With the development and changes of legal system, it needs to be summarized and sublimated in order to meet the social conditions, mass needs, and local customs. Therefore, Marxist legal thought is not specific to our legal practice, especially in guiding the contemporary legal practice of China, and cannot fully meet the needs of legal construction. With the continuous progress and development of society, especially in the practice of socialism in Chinese society, it is constantly being impacted by some new things, new ideas, and new achievements, which has led to a series of new legal issues. There is no doubt about the status of Marxist legal thought, but it has many limitations in our legal practice. Especially with the rapid development of economy, we must follow the path of sinicization to give full play to the role of Marxist legal thought in promoting Chinese social practice and meet the actual needs of contemporary Chinese society, so that it can meet basic national conditions and needs of China and adapt to the socialist legal system with Chinese characteristics ^[2].

3. Strategies to promote the sinicization of Marxist legal thought

3.1 To adhere to the guidance of Marxist legal thought

Adhering to the basic principles of Marxist legal thoughts is the premise and basis for its realization in China. Therefore, we should further improve the theoretical level of Marxism, carefully study related Marxist works, and accurately grasp the Marxist legal view. The socialist legal ideological system with Chinese characteristics is inherited from Marxist legal thoughts. For example, legal thought of Mao Zedong, legal thought of Deng Xiaoping, Jiang Zemin's and Hu Jintao's thoughts on rule of law, and the latest research results of rule of law in China are all inherited from Marxist legal thought, they are combined with the practice of Chinese revolution, construction and reform. Adhering to the basic principles of Marxist legal thought is based on the premise of adhering to the correct political direction. A large number of historical practices have confirmed that the victory of the democratic revolution cannot be separated from the leadership of the Communist Party of China, and has achieved great achievements in socialist construction. This is the reason for our successfully achieving the goal of building a socialist legal system with Chinese characteristics under the leadership of the Communist Party of China. The guiding ideology of the Communist Party of China includes Marxism-Leninism, Mao Zedong Thought, and socialist theory with Chinese characteristics, being given advancedness and scientificity. From the perspective of the formation of the team, the advanced members of the working class are an important part of the Communist Party of China and have given it a progressive character. The Communist Party of China takes "that all speech and actions must conform to the best interests of the masses and be supported by the masses is regarded as the highest standard" as its purpose and line, determining its broad mass base. To promote the sinicization of Marxist law, we must first adhere to the basic principles of Marxist legal thought, further emancipate the mind, and resolutely oppose dogmatism. It is worth noting that Marxist thought is a methodology, instead of a ready-made textbook, so it does not provide ready-made dogma experience, but a starting point and method of research.

3.2 To highlight the democracy of Marxist legal thought

The Chinese nation is an ancient civilization country with a long history and strong traditional cultural thoughts, which has a profound impact on the thoughts Chinese people from generation to

generation. The Marxist legal thought integrates the western history and culture, so it must be selectively absorbed, actively transformed and utilized in the process of realizing its sinicization. It is necessary to organically combine the Marxist legal thought with the traditional legal culture of our country, so that it can better take root, sprout, blossom and bear fruit in the Chinese soil. In ancient times, the Confucians put forward the legal thoughts of "rule by virtue" and "rule by virtue with punishment as supplement". The concept of ethics is deeply rooted in the hearts of the people. Therefore, China promotes the rule of law and rule the country by virtue of morality when administering the country. In addition, the law is mainly used to protect human rights, maintain social order, and build a socialist harmonious society, which conforms to the ancient thought of "Laws and decrees have the functions of punishing evil and promoting good, determining the ownership of rights and obligations, and maintaining the ruling order". Therefore, in order to better promote the sinicization of Marxist legal thought, we must endow it with common democracy, critically draw lessons from and absorb the traditional legal culture of our country, organically combine Marxist legal theory with the specific practice of our country, and highlight the advantages of the judicial system of socialism with Chinese characteristics^[3].

3.3 To endow Marxist legal thought with the characteristics of the times

Generally speaking, to endow Marxist legal thought with the characteristics of the times is to realize the combination of Marxist theory and practice. Marxism is a method guidance, rather than a dogma. It is not immutable, so it needs to be analyzed in combination with practice. The unity of sinicization of Marxism and its contemporaneity is mainly embodied in adhering to the unity of reality and the characteristics of the times in China. We should carry out Marxism in combination with reality, and actively explore the development path in line with our national conditions. Different situations determine different tasks, and different national conditions determine different policies. At the 18th National Congress of the Communist Party of China, it was clearly put forward that China was still in the primary stage of socialism for a long time, and the material and cultural needs of the people would not be changed in a short time. Backward productivity and developing countries were the biggest national conditions in China. Therefore, both reform and construction must be combined with the basic national conditions of China, adhere to the central position of economic construction, adhere to the two basic points of reform and opening up and the four basic principles, and apply them to the great event time of socialism with Chinese characteristics to win the victory of socialism with Chinese characteristics. In addition, China should also combine the development and needs of different periods of national conditions and the situation of party, and use Marxist legal thought to solve various problems. At the Fourth Plenary Session of the 18th Central Committee of the Communist Party of China, the policy of "scientific legislation, strict law enforcement, fair justice and law-abiding by the whole people" was put forward. It is the strategy of ruling the country according to law proposed by the Communist Party of China in combination with the current national conditions and the situation of party, which promotes the process of building a socialist country ruled by law in China^[4].

4. Conclusion

In summary, sinicization of Marxist legal thought, as a guiding theory for the construction of a socialist legal system with Chinese characteristics, is also an important weapon for building a socialist country ruled by law. If we want to better promote the sinicization of Marxist legal thought, we must first adhere to the basic principles of Marxist legal thought, integrate Marxist legal thought with the practice of our socialist rule of law construction by combining our basic national conditions and actual needs. In addition, we should also need to highlight the democracy of Marxist legal thought, and give Marxist legal thought with the characteristics of the times. Furthermore, it is necessary to apply Marxist legal thoughts to the construction of a socialist legal system with Chinese characteristics.

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