

WHITHER CHINESE SOCIALIST LAW: A COMPARATIVE NOTE ON “THE RULE OF LAW” AND CHINA DEFINED NOTION OF “RULING THE COUNTRY IN ACCORDANCE WITH LAW”

Kant Kumar*

Abstract: China is one of the oldest continuing civilizations and historically a vibrant country. It was once called the Middle Kingdom and witnessed a Sino-centric regional order. On 1 October 1949, the Communist Party of China established the People's Republic of China. China adopted socialism, and in keeping with its political philosophy, it adopted socialist jurisprudence. Post Mao, in 1978, China initiated economic reform. In 1999, China implemented a characterized rule of law legal policy named “依法治国 yifazhiguo (ruling the country in accordance with law)” to safeguard the private entities as well as serve the communist political agendas. The definition of “ruling the country in accordance with law” emphasizes common interest rather than political and civil interest. The internationally recognized definition of rule of law emphasizes the Independent Judiciary, but the People's Republic of China's socialist political mechanism makes the Judiciary subordinate to the ruling party. The enforcement agencies are organically integrated so that the party gets the supreme authority. China defines the “rule of law” in keeping with her own political and economic mechanism, which further creates contradictions in the definition of “rule of law” and “ruling the country in accordance with law(Socialist rule of law).”

Introduction

In the modern era, globalization is characterized by its broad approach in almost every field; the interaction and interdependence are like caring and sharing and promote mutual interaction among the nations for the shared benefit. Through its legal mechanism, the United Nations defines the legitimacy of certain things and, with the support of all the member states, promotes and secures the world's security and peaceful order. Sometimes, the differences in political ideologies, customs, and culture of individual states result in paradoxes in defining the “legitimacy” of specific political and legal definitions. Sometimes, the term “legitimacy” is very tough to define internationally because countries have peculiar laws and norms following their geography, politics, culture, and history. Leszek Buszynski (2015) notes that International law is a product of accumulative state practice; it brings predictability and stability to relations between states by facilitating cooperation and removing sources of friction and conflict. Global organizations like the United Nations, irrespective of nations' political and economic policies, pitch for implementing commonly recognized “rule of law” legal philosophy for the common good. The rule of law emphasizes equal

* Dr. KANT KUMAR, Doctoral Fellow, Chinese Division, CEAS, SIS, Jawaharlal Nehru University, New Delhi. Email Id. kantkumar0011@gmail.com.

implementation of law irrespective of one's social status and independent functioning of the judicial mechanism of a country.

Currently, there are 193 member states in the United Nations. The International Court of Justice is the principal judicial organ established by the Charter of the United Nations. According to international law, the International Court of Justice is authorized to give advisory opinions on international legal matters to settle disputes between the states. Christopher Greenwood (2008) mentions that international law is an outcome of the common consensus of its member countries. The diverse political and legal theories of nations make an individual nation's 'ruling and governance mechanism' decentralized. However, it does not mean that a state can invoke its municipal law as a reason for the non-fulfillment of its international obligations. In this globalized world, international commercial and political societies are closely linked and interdependent; any action of a state gives profound repercussions upon the system as a whole, which might result in considerable impacts on other states and make the countries have common law for the greater good for the people of the world. The member countries' cultural diversity needs an international legal mechanism for dealing with the countries' diverse and distinct political and economic conditions. Slaughter, A. at. el. (2000, 241) quotes Hedley, Bull (1977) and states, "International law is defined as broadly as possible to include all bodies of law that directly and indirectly affect international order. International order does not only simply mean peace and stability; it also includes social and political justice, a measure of prosperity and preservation of the environment." The difference in ideology and political philosophy of a state has broadened the horizon and has resulted in a diverse and conflicting definition of the term "legitimacy." Globalization and International relations have worked as a bounding force to bring states on a single platform for mutual benefit and create a harmonious world.

China's political model is called "Socialism with Chinese Characteristics." The unique nature of "Socialism with Chinese Characteristics" creates a "mix-economic" model, where private entities get the freedom of business operation with close government monitor and intervention if required. World Trade Organisation (WTO) promotes an open market economy. WTO follows "rule of law" legal philosophy to protect private ownership, personal interest, and benefit. The idealistic definition of the Western-defined rule of law is characterized by "rules set in advance and applied equally to all by an independent judiciary." The 1978s "Reform and opening up" of China paved the path towards economic liberalization and legal reform. China still practices socialist political philosophy and interprets "rule of law" as per her socialist political structure. The rule of law is one of the essential constituents of the democratic political mechanism because it emphasizes the multi-party political mechanism, human rights, civil rights, and political rights. China's socialism with Chinese characteristics emphasizes "communist party rule" and puts law under the subjugation of the Party. China interprets "rule of law" as per her socialist philosophy. Western legal philosophy and Chinese legal philosophers give contrasting definitions to each other. Peerenboom (2002) notes that China's defined rule of law comes under the procedural rule of law (thin theory). He emphasizes that China follows some rule of law but still has to go a long way in realizing the substantive rule of law (thick theory). Peerenboom (2002) specifies the elements that define the "thin theory of rule of law." Those elements are procedural rule-making mechanisms with legal

authority to make law, transparency in an application, accessibility of law, prospective law rather than retroactive, consistency in application, and reasonably accepted by most people. The substantive version of “rule of law” does not fit the Chinese characterized Socialism because China emphasizes one-party rule and subjugates the law under the Party. In recent years, China has taken several steps to strengthen the concept of “rule of law.” However, many legal philosophers say China is still in the middle between the “rule by law” and “rule of law,” it has a long way to go to realize the rule of law.

Jude Blanchette (2021) notes that China’s socialist political mechanism and open market economy create a kind of “State Capitalism.” Peerenboom (2002) notes that China’s political and social structure does not fit with the definition of the Western notion of “liberal rule of law,” it is unlikely that China’s future legal system will develop neatly and include the constituents like Multiparty democracy, free market capitalism, Civil and Political Rights that defines the liberal version of rule of law. Tim Rühling (2018) states, “Time and again, China’s compliance with International law is a contentious issue between the People’s Republic of China and the European Union. Contrary to the widespread belief in the West, China does not treat law as unimportant but as a reference. However, both sides have a very different approach to law. China has a very different legal tradition that does not treat legality as carrying normative value. Instead, China adopts a functionalist approach that impacts its approach to law.” China emphasizes the law to be in line with the social and economic conditions of the place. The normative value sometimes does not fit with the local conditions and can result in disastrous consequences and not benefit many people and habitats. China admits that it adopts a functionalist approach per the local conditions and scenarios and denies the Euro-American template of jurisprudence. Chinese legal expert He Zhipeng (2010), through his work “Chinese Theory of International Law,” tries to put forward the Chinese-characterised definition of “rule of law” and “human rights” and criticizes the Western-influenced definition and concept of international law and terms it lacks inclusiveness.

During the colonial era, the criteria for the standard of civilization were the European contemporary forms of government mechanism. In the post-colonial era, the political purpose of Western-colonial international society remains common in world politics. Still, many Western politics and policies work as a framework for formulating International laws and regulations (Barry, 2014). Many nations counter the definitions of the legitimacy of specific international laws, contrasting their political ideology and customs and emphasizing that “one size fits for all” does not embrace the diverse global political mechanism and custom. Peerenboom (2002:10) states, “It is standard socialist legal theory dogma that law is a tool of the state and ruling class. In a Leninist State, the Party is assigned a leading role based on the premise that it knows best what interests the people. Law then becomes a tool of the Party to serve the people’s interest and attack the enemy.” Concerning China, Peerenboom (2002) notes that the Chinese notion of “Ruling the Country in Accordance with Law” is a Chinese-characterized rule of law, and to some extent, it is socialist.

He Zhipeng (2017) states, “Western defined rule of law fails to reflect non-western values. China is entitled to contribute its part in making a more equitable and just international system”. Chen (1999, 2-3) states, “The West at first experienced the industrial revolution, industrial revolution provided the

foundation for the development of marketization of economy, and a legal system was also developed to safeguard market interest.” Chen further elaborates that the rule of law was formulated to protect the European capitalist production structure. The rule of law is an outcome of the Capitalist European structure. At the time of the founding of the UN, European states did not recognize third-world (colonial countries) civilization as equal to the European standard of civilization. It further causes a reason to point the finger that International law is Euro-American-centric (Andrew, 2016). Anand (2006, 3) states, “For a long time we have heard that Europe and Europe alone is the place where we can learn about International Law; indeed, International Law so far has been claimed to be a product of Europe only or countries of European blood.” He further argues that Since the end of the colonial era, many new countries supported reform to make an inclusive international law. The amendments in the International Court of Justice statutes more or less have made international law more inclusive.

I. Transition of Legal Philosophy in Post-Mao China

In 1949, Mao Zedong established the People’s Republic of China. The communist authoritarian regime under the leadership of Mao Zedong established a ‘proletarian dictatorship’. In the early phase of Mao’s rule, the PRC communist government adopted the Soviet-style Judicial mechanism. It incorporated the Soviet legal codes and legal principles and established and incorporated socialist legal jurisprudence. The 1954 Constitution provided the legal foundation for establishing the unchallenged rule of the Communist Party of China. In communist rule, the ideology of Mao greatly influenced the working mechanism of the Party. Mao propagated the “Mass Line” policy to establish a comprehensive socialist order. During the Cultural Revolution, Mao’s personality cult established a “rule of man(人治)” system. Hua Guofeng’s “two whatever” policy: “whatever policy decisions of Chairman Mao made, and unswervingly follow whatever instructions Chairman Mao gave” are examples that depict a kind of rule of man policy rather than rule of law (Gittings, 2008). Chinese political discourse was mainly aimed at and has been persistent in invoking the “mass line policy” and “rule by man” ideology to conform to its agenda and serve the interest of the communist regime. Many communist literature and legal scholars terms, during Mao’s Era, the Party policy was the soul of law. However, after Mao, gradual reforms were made in governing mechanisms and constitutions to establish and strengthen formal legal mechanisms to impart justice according to established constitutional laws and regulations. Post Mao, through policy change and constitutional reform, the People’s Republic of China has taken several steps to retreat politics from the judicial mechanism to establish socialist rule of law with Chinese characteristics.

The notion of “rule of law” is related to democratic political regimes, where law is the supreme body of a nation. The Oxford Dictionary defines “rule of law” as: “The restriction of the arbitrary exercise of power by subordinating it to well-defined and established laws.” The socialist manifesto terms “rule of law” as an organ of the capitalist structure. The principle of the socialist legal theory states, “Law is a tool, which is used by the state and the ruling class to serve the interests of the people.” The contradiction of essence in the definition of socialist legalism and “rule of law” legal philosophy makes China come up with a characterized

definition of law that serves the purpose of a socialist political structure and open market economy.

During Jiang Zemin regime, the socialist legal philosophy “依法治国 yifazhiguo (ruling the country in accordance with law)” was propagated. It was drafted in keeping the value and essence of the contemporary Chinese Socio-political structure. In 1999, “依法治国 (Ruling the country in accordance with law)” was incorporated into the Chinese constitution. Article 5 of the Constitution states, “The People’s Republic of China practices ruling the country in accordance with law and building a socialist country of law.” The early phase of “依法治国 (ruling the country in accordance with law)” was more like “rule by law” legal philosophy because the Chinese constitution had specified only a few fundamental civil, political, social, and economic rights, and it was very nominal even the clauses for the protection of Human rights were not specified clearly.

In 2004, constitutional amendments commitments were made to safeguard human rights. Article 33 of the 2004 amended constitution states, “The State respects and preserves human rights.” Furthermore, to strengthen the rule of law, China has undergone reforms and amendments in Criminal Procedure law, Civil Procedure law, Human Rights law, Administrative law, and Lawyer law. The justice mechanism has been made more transparent, fair, and efficient. People are encouraged to use the legal mechanism for the dispute settlement. National People Congress (2017) proposed strengthening the justice mechanism by weeding out the inefficient and low-quality merit judges from the system for meritorious and fair judgments and safeguarding the sanity of the judiciary.

The legal reform has made the judiciary, in many ways, independent in decision-making if the matter is not political. The increased authority of the justice mechanism has strengthened the state organs and enforcement agencies and increased the opportunities for the citizens to participate and challenge government decisions. Legalizing government mechanisms is paving the way for realizing the “rule of law” in China. A formal law reform body has been institutionalized for research and analysis purposes to advise the government to ensure up-to-date laws to serve the interest of the citizens. PRC constitution authorizes the “national people congress and Standing committee” to make amendments to law. Local governments must enact and implement local laws in conformity with the constitution. White Paper (2016) notes that Chinese courts focus on fair court trials, expanding open trials, and professionalization of the judiciary. China is gradually transitioning to the rule of law with gradual reform in its political mechanism by shifting the day-to-day governance of the Party to State organs like the judiciary and law enforcement agencies. Implementing the “Chinese characterized separation of power” mechanism also gradually paves the path for implementing the rule of law.

II. China’s Approach (discourse) to “Rule of Law”

China’s civilization is characterized by people’s relationships, not by monetary relations among its people. Most Capitalist countries follow democracy and boast of adhering to the ideology of “rule of law.” Capitalism is based on benefits and personal interests. In a capitalist rule of law mechanism, protecting private and individual interests is one of the sole criteria. Humanitarianism is based on mutual support, not on mutual benefit and interest. Prioritization of individual interests is

deemed to create the most unequal society, which will eventually lead to chaos. Prioritization of a group's or common interests over individual interests creates greater equality within a society. Xinhua (2021) reports that in the last 40 years, China has lifted 770 million rural residents out of poverty. China selectively implements civil and political rights because its socialist political mechanism prioritizes the group's common interests over individual ones. In another way, it can be said that China emphasizes poverty elimination and providing basic needs over civil and political rights. Leigh (2010, 182) points out that in China, the socialist rule of law mechanism is characterized by personal virtue (德). Chinese civilization is characterized by indigenous ideology and moral philosophy. Kumar (2018) points out, "Marx and Engels views law as the superstructure which facilitates the economy and economic mode of production. Rule of law is a basic requirement of Capitalist Societies where law is used as a tool to serve the interest of bourgeoisie". Randall Peerenboom (2002, 43) points out classical socialist theory, "bourgeois law is nothing more than a tool used by the ruling class to protect its privileged position." Peerenboom (2002, 10) states, "It is standard socialist legal theory dogma that law is a tool of the state and the ruling class. In a Leninist State, the Party is assigned to be at a leading role based on the premise that it knows best what is in the interest of the people; the law then becomes a tool of the Party to be used to serve the interests of the people and to attack the enemy". In China, the law is a heavily politicized entity and there is influence of the "political legal committee" on the functioning of courts. Communist Party of China has the upper hand in maintaining law and order, and the Party is assigned to decide what is best for the people. After analysis, it becomes clear that the political philosophy of the communist Party of China heavily influences Chinese legal mechanisms.

China defines its legal philosophy as per its socialist political structure. China has often reiterated that there are no "one size fits all" laws for politically and culturally diverse countries. The liberal democrats define, the essence of the rule of law is that what counts is the power of law and not the law of the powerful. The Dean of legal studies of Qing Hua University, Professor Wang Zhenmin points out, "Law of nation is the Party guiding principle" (*People Daily*, 2014). China's Human rights issue and lack of open governance are the other issues that are always raised on international platforms. The different interpretations of laws have resulted in contentious discussion and disagreement among the Chinese and Western policy-makers. Chinese legal Scholar Li Eric (2019) contradicts the Western-influenced concept of "rule of law" and states, "Concept of the rule of law is greatly misconstrued and misinterpreted in the general media and in our political discourse. In fact, conceptual confusion and practical corruption have placed the rule of law in a precarious position in the West." The discourse of politics is gradually replete with the language of law and legitimacy as much as real politics. International society uses legality as a tool to restrain influence on the action of a rogue state and lessen the struggle among the nations on the international scene. It is also said that international law has always been pushed forward and influenced by the position of the nation-state (Morganthau, 1948, 210).

In recent years, with legal reform, China claims, the court gets the judicial power to dispose of cases without interference from political-legal committees if the case is not political. The political and legal committee's role is crucial in

determining an arbitration's judicial outcomes if the case is related to government policies, the government, and the communist party of China. The interference in court autonomy and the single-party ruling regime does not go well with the internationally accepted rule of law concept.

In 1999, PRC Constitution's Article Five of the constitution was amended, and a new section was added: “中华人民共和国实行依法治国，建设社会主义法治国家”. The English version of the 2004 and 2018 Amended constitutions translate the above term as “The People's Republic of China practices ruling the country in accordance with the law and building a socialist country under rule of law.” Chinese legal scholars have started translating “依法治国 (yifazhiguo)” as “rule of law.” Even Chinese politicians have started mentioning “rule of law” in their speeches. However, the official translation of the 2018 Chinese constitution still translates “依法治国 (yifazhiguo)” as “ruling the country in accordance with the law.”

Karl Popper's term “the notion of ‘rule of law’” is associated with a liberal democratic political regime, contrasting China's communist regime, which advocates one-party (CPC) rule, unlike the Western concept of the multi-party liberal democratic principle of governance.

The theory and philosophy of socialist-political mechanism term the legal mechanism as a supporting organ of government and denies the idea of a “liberal form of legal mechanism.” The People's Republic of China Constitution (1982) states, “The people of China must fight against those domestic and foreign forces and elements that are hostile to and undermine our country's socialist system.” Article 1 of the constitution states, “The People's Republic of China is a socialist state governed by people's democratic dictatorship that is led by the working class and based on an alliance of workers and peasants.” The term “dictatorship” is a strong word, characterized by “rule by law and rule of man” not “rule of law.” The Western-defined “rule of law” is defined as “A principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to law” (UNODC). The prominent characteristics of “rule of law” emphasize the mechanism of “Open governance” and “Democracy.” Democracy gives people a choice to choose the people of their choice to rule them. However, the Chinese constitution only authorizes the Chinese communist Party as a legitimate stakeholder in governance. Article 1 of the constitution states, “Leadership by the Communist Party of China is the defining feature of socialism with Chinese characteristics.” Constitutionally, the CPC gets the legitimacy to govern China, which blocks the path to “Democracy” and “open governance.” After analyzing the statements mentioned above, it can be said that “Democracy” and “Western-defined rule of law” are not suitable for the Chinese socialist government mechanism; these elements are anti-socialist governance, which makes China come with its own Chinese-characterized “rule of law” named “ruling the country in accordance with law” which is formulated in keeping with Chinese socialist political structure and Chinese characterized market economy.

China is a responsible member of inter-governmental organizations and wants to play a vital role in the global political, economic, and legal field. China is a signatory country for most Inter-governmental organizations assigned to maintain mutually beneficial and peaceful global order. China's socialist political mechanism makes Western countries skeptical of its intentions to follow

internationally accepted norms. It raises a finger on its defined “Human Rights,” “Rule of Law,” and “Open Government.” The three areas mentioned above are the main contentious areas on which China gets criticism from the Western democratic countries. Open government, rule of law, and Human Rights are related to government politics and governance mechanisms, which China interprets according to its political policies and philosophy and terms Socialist Rule of Law in a superior position to the capitalist rule of law. China states that it has taken millions of people out of poverty and emphasizes social benefits rather than individual benefits/interests. Peerenboom (2002) states, “Western countries and international human rights communities privilege civil and political rights over economic, social-cultural rights and collective rights.” Kumar (2018) states, “China prioritizes the subsistence of its economic development and huge population and to ensure overall development and poverty elimination, China justifies its priority on economic, social culture and collective rights over the individual civil and political rights.” The political philosophy of a particular country defines the legal philosophy and jurisprudence and helps in smooth governance.

In 2014, President Xi Jinping promoted the rule of law in China, dubbed the October 2014 Fourth Plenum of the 18th Central Committee as “rule of law plenum.” However, after analyzing the last few years of the functioning of Xi Jinping government, it seems that the legal trends are inconsistent because China’s current leadership appears more authoritarian and Leninist in its insistence.

The communist regime of the People’s Republic of China, to make people feel that it is the sole entity responsible and has legitimacy to rule, has initiated an anti-corruption campaign. The party policies highly influence the ongoing anti-corruption campaign. The Communist Party of China’s internal control institution, “Central Commission for Discipline Inspection(CCDI),” is the leading institution for combating corruption and malfeasance in the Party.

In the 2018 Constitution amendment, Chapter III, Which reads “The Structure of the State,” is amended to read “State Institutions,” and a new section 7 titled “Commissions of Supervision” is added. This section has five articles (Article 123 to Article 127). Article 124 of the amended Constitution specifies the establishment of a National Commission of Supervision and a Local Commission of Supervision at all levels. Article 126 specifies, “The National Commission of Supervision shall be responsible to the National People’s Congress and the National People’s Congress Standing Committee and local commission of supervision at all levels shall be responsible to the state organ that created them and to the commissions of supervision at the next level up.” The National Supervision Commission(NSC) is assigned to handle duty-related malfeasance(duty violations) and duty crime. The NSC and CCDI are co-located under an arrangement called 合署办公 (heshubangong), where both departments work under the same physical office space. The NSC-CCDI combined mechanism expands the party’s control over the government. The party has a ‘self-regulation from top-down’ mechanism through its internal control institution, CCDI. Courts cannot scrutinize the matter related to the party and its members. Furthermore, courts are subjugated under political-legal supervision from the party, making courts a secondary entity. This political legal design of the party gives the CPC supreme authority in interpreting, applying, and enforcing the law through its institutional control, which contrasts the defined “rule of law” mechanism.

Alexandra Fio-Mahon(2018) notes, “China has used anti-corruption campaigns for pursuing political goals with an aim to rid the party of any political opposition or potential rivals.”

Socialist Political Structure makes China negate the idea of liberal legal philosophy and jurisprudence. It subjugates the legal mechanism under the communist party of China and considers the justice mechanism a tool of the party for maintaining law and order in the nation. The party uses the court to build the legitimacy of the party by various means by implementing strict disciplining mechanisms. China reports that it is one of the least-crime countries. Western scholars put question marks on the “crime data” and raise the credibility issue in the report and accuse China of discrepancy in reporting of the crime data. Since social and economic development is directly proportional to the place’s ‘law and order’ condition. In the last four decades, China has continuously reported a rise in living standards. Negating the reported data becomes questionable when viewed in correlation with China’s economic and social development. Striking hard on crime and criminals and the high surveillance capability of China makes her relatively safe from violent crime and helps establish a rule-based nation.

Since the reform and opening up, China consistently engaged in normative discussion and implementation of the socialized and characterized mode of law and governance mechanism by institutionalizing its legal mechanism for the promotion of social justice by timely and fair trials of legal cases and by encouraging the people to resort to legit mode for the dispute resolution than taking law in their hand for the maintenance of peace and tranquility in society.

China has persistently insisted that the Socialist Rule of Law with Chinese Characteristics is influenced by classical socialist theory. It follows the positivist theory of law, and it views law as a means for saving the interest of the masses. China implements a strict disciplinary mechanism to secure the law and order in the country. As per the World Justice Project Rule of Law Index (2015-2020), China's ranking in order and security, criminal and civil justice is 40th, 62nd, and 64th out of 128 countries, which is a much better score than many democratic countries.

Order and Security is the foundational stone for establishing “rule of law” in society. As per legal positivism, positivist theory views the legal system as dependent on the presence of specific governance structures, not on the extent to which it satisfies ideals of justice. The concept of “Ideal of justice” is a very complex term to be defined, because the different social and political structures that depict different definitions of justice further contradict the term.

Many legal scholars have reported that China is a tough disciplinary country, and it even uses draconian methods for corruption-related crimes. Andrew Jacobs reported Ms. Sapio's statement in The New York Times (2012) that Shuanggui (a double regulation mechanism) does not conform with the legal system. Jonathan Kaiman (2013) reports that suspects under Shuanggui investigation have to go through physical abuse and harsher torture. It has been reported by many legal scholars that China uses stricter laws for the lawbreaker. Legalism was the first codified law of ancient China; the legalist theory emphasizes the implementation of stricter laws and harsher punishment for the lawbreaker. In the legalist view, rulers know what is best for the masses and how to maintain social stability (Yuri Pines, 2018). The People's Republic of China's

strict action against the lawbreaker and subjugating law under the party leadership is somehow influenced by the Chinese legalist philosophy.

Conclusion

International law is a product of accumulative State practice aimed at bringing predictability and stability to relations between states by facilitating cooperation and removing sources of friction and conflict. The concept of liberal democratic principles and policies highly influences international law. The rule of law is the official nomenclature of international law. The different countries have different political policies and philosophies. China practices Socialism with Chinese characteristics and emphasizes the rule of the communist party of China. The Chinese-characterised Socialist political mechanism defines Human Rights, Rule of Law, and Open Government in its political terms. It emphasizes that China prioritizes economic, social-cultural, and collective rights over civil and political rights with an aim to overall development and poverty elimination in the country. China's Socialist government amends and incorporates the law through proper channels; before incorporating any new legal policies, it passes through the National People's Congress, and after due deliberation of the local scenario and acceptability by its political organization, it gets incorporated into the constitution to give it a legal validity and terms itself a practitioner of socialist rule of law. China's state power and judicial power have been divided constitutionally. However, the subjugation of judicial power under the supreme power of the party raises questions on the Chinese-defined "rule of law" notion. China's definition of "ruling the country in accordance with law" has been influenced by Chinese culture, philosophy, and socialist political mechanisms.

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