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Tel: 00852-28150191

Fax: 00852-25445670

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Guiding the Judicial Construction in China with the Idea of Harmony

Huifeng Long

Hunan City University, Yiyang, Hunan, China

Abstract: Since the reform and opening up, China in the rule of law and improve the legal framework under the guidance of legislation, can be said to be successful, universally acknowledged. But in fact we have just established the basic framework of the legal system to the modern spirit of law oriented, and some very important laws we haven't worked out, have enacted laws should be according to the changing situation and further revised and improved. Therefore, with harmony as the core and soul of the concept of modern China law, and the legal formulation, modification or cleaning should be the development direction and we continue to adhere to the work in the future according to the requirements of building a socialist harmonious society, in order to ensure that our country establish the perfect legal system is good.

Keywords: Harmonious; Judicial; Construction

1. Introduction

The rule of law requires the existence of good law to the existence of the premise, it is early in the classical definition of ancient Greek Aristotelian rule of law has been specified. The concept of Marx early in his treatises have explicitly use "in the form of the law" and "real law" to make the distinction and evaluation of real law, and the "inevitability" and "created" by the will of the people as the two fundamental standards of real law and guarantee [1-5].

With the guidance of harmonious concept of legislative activities, on the one hand to the legislative work on related issues of major interest to the masses, in the period of social transformation of the new problems and new contradictions are to strengthen legislation, through the mechanism of civilization and a reasonable way to adjust social relations, so as to form the "laws" of the situation. On the other hand, we should follow the principle of democratization of legislation in the legislative work [6-8]. The process of legislation should fully embody the principle of democracy and people oriented, and absorb and embody public opinions. On a certain social legislation and different classes have different interests, in the legislative process to solicit their opinions and suggestions, such as through hearings, seminars, listened to all aspects of society especially the views of grassroots, to make the legal benefit by mutual discussion, fully embodies the the common will of the people, and earnestly safeguard the interests of the vast majority of people. Only in this way can the people understand and feel that the socialist law is the embodiment of their own will, a good law to safeguard their own fundamental interests, and is willing to consciously abide by it, which is conducive to the

formation of a harmonious society. At the same time, the principle of maximum benefit should be implemented in legislation. Modern legislation should not only to benefit as the core, the system arrangement, it is more important in the balance of interests, should be objective and rational mining of all kinds of interests, and based on the objectivity and rationality to coordinate various interests, on the basis of the "win-win" principle to balance the conflicting interests of parties, so that all stakeholders can stop fight, play their proper role and win-win complementary. In addition, the process of legislation is also the process of expression of universal justice. Therefore, we should adhere to the procedural justice of legislation, pay attention to the openness and democracy of legislation, strengthen the protection of human rights of legislation, and effectively realize the people oriented and service of legislation.

Judicial justice means that the legitimate rights and interests of citizens and legal persons are equally and fully protected. The criminals should be punished and punished, and the innocent victims can get the due relief. Therefore, judicial justice is not only the goal pursued by the judicial organs, but also the key to the establishment of a society ruled by law. But from the reality of the situation, the phenomenon of corruption, still exist in the judicial practice of administrative organs to intervene, judicial and administrative functions with dislocation of the embarrassing situation, and judgment "deposition more difficult to execute" phenomenon and so on, which makes the contradictions and conflicts should be resolved through the judicial relief of the road safety line.

2. Legal Supervision is an important Guarantee of the Rule of Law

China's legal supervision is the supervision of procuratorial organs on legislative activities and legal enforcement activities. Since the founding of new China, because we neglected the construction of legal system, the ruling party and the leaders of the party lost effective legal supervision and restriction to the cause of socialist construction has brought great damage and directly led to the catastrophe of the "Cultural Revolution" occurred, comrade Deng Xiaoping this thorough analysis "mistakes occurred in the past we have, of course with some leaders the thought and style, but the organization system, the working regime is more important. These systems can make the bad guys unable to continue to run rampant, the system is bad can make the good people cannot do good things, and even tend to the opposite." Whether or not the abuse of power can be effectively prevented, and whether the legal rights and interests of citizens can be guaranteed, and whether the social order can be finally established, the key lies in the establishment of a perfect, systematic and rigorous legal system and its operation mechanism. The guidance of legal supervision to the concept of harmony, the first is to tree legislative power, Fu the concept of the supremacy of law, in order to ensure the country's economic interests, social stability and the parties legitimate rights and interests, promote harmony and balance the interests of all parties, must obey the authority of the law, using the law to adjust all social relations.

Procuratorial work must enhance the transparency of the work, promote justice with openness, guarantee the procuratorial organs to execute the law impartially, handle cases according to law, and guarantee the legitimate rights and interests of the participants in the proceedings. Third, we should establish the concept of equal protection. Procuratorial organs should stand in the overall position, pay more attention to the protection of the rights of the legitimate rights and interests, strictly abide by the provisions of the rule of law, particularly in relation to conflicts of interests, to consciously abandon and resist protectionist ideas, establish the concept of equality, justice and law enforcement. Taking harmony as the ultimate value of contemporary Chinese legal culture, and optimizing the cultural environment of the rule of law with a harmonious concept, it will advance the socialist rule of law with Chinese characteristics, and ultimately provide a deep cultural foundation for the construction of a socialist harmonious society. As professor Zhang Wenxian said, "if we really put the spirit of harmony into the legal system and legal practice, and guide, coordinate and sublimation of various legal values, China's socialist rule of law will surpass the western traditional rule of law and go to good governance.

3. Conclusions

With its unique connotation of the rule of law, harmony has gradually or is gradually showing its superiority. The value of the concept of harmony provides the direction and goal of socialist rule of law, rule and ultimate concern, beyond the form of political relations, economic specific, not to be bound to the law culture in the specific way, means, way, help us in the socialist construction and Reform in the development of innovation, there is really conducive to establishment of a socialist country ruled by law. The value of the concept of harmony clear understanding and judgment of law culture construction standard and orientation, can form a wide recognition and charisma, is conducive to the integration of the unified legal culture value and value demand, provide a broader platform and development space for our socialist legal construction. The concept of harmonious values runs through the whole process of modernization of the rule of law, and its realization has only a continuous improvement, and there is no ultimate goal. The construction of a new legal culture with harmony as the ultimate value is a systematic project, which requires the concerted efforts of the people of the state and the whole society.

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