

Theoretical Origins, Generative Logic, and Spiritual Traits of Xi Jinping's Ideology on the Rule of Law

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[**Abstract**] At a time when the world is undergoing profound changes unseen in a century, Xi Jinping's Ideology on the Rule of Law has been formed as a major theoretical achievement in order to build a modern socialist country governed by the rule of law and a new form of Chinese-style modern human civilization. The Marxist rule of law theory is the theoretical origin of Xi Jinping's Ideology on the Rule of Law. The traditional philosophical thoughts of Confucianism and Legalism in traditional Chinese legal culture, as well as the accumulation of legal practice and excellent cultural traditions of ancient Chinese dynasties have created the cultural roots of Xi Jinping's Ideology on the Rule of Law. The Communist Party of China's more than one hundred years of exploration in leading the construction of the rule of law has laid a practical foundation for it. The organic unity of "people first" and "rule of law" thinking in Xi Jinping's Ideology on the Rule of Law demonstrates the theoretical background, the Marxist view of human rights, the view of the rule of law and the "two combinations". The integrated combination highlights the theoretical penetration of Xi Jinping's Ideology on the Rule of Law. In-depth study and implementation of Xi Jinping's Ideology on the Rule of Law have important value and connotation of the times.

[**Key words**] Xi Jinping's Ideology on the Rule of Law; theoretical origins; cultural origins; generative logic; intrinsic traits

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1 Introduction

Since the deepening of reform and opening up, as the 18th National Congress of the Communist Party of China continues to promote the "rule of law with Chinese characteristics" into the "new era of socialism with Chinese characteristics", Xi Jinping's Ideology on the Rule of Law has become a major theoretical achievement that conforms to the practical requirements of socialist rule of law construction with Chinese characteristics and responds to the strategic goals of the middle of this century. Deeply studying and implementing it has important value implications and contemporary connotations for consolidating the leadership of the Party's rule of law construction, innovating the theoretical system of socialist rule of law construction, promoting the modernization transformation of excellent traditional culture, shouldering the historical mission of forging the modern rule of law construction of the Chinese nation, strengthening the guarantee of the system of the people being the masters of their own country, strengthening the basic positioning of the "people" in the socialist regime of China, and creating new forms of human civilization.

2 Theoretical origins: Marxist theory of rule of law

The theoretical origins and important bases of Xi Jinping's Ideology on the Rule of Law come from the Marxist

theory of proletarian party and party building, the theory of the dictatorship of the proletariat, and the Marxist doctrine of the state. Marx's legal thought is mainly reflected in works such as "Economic Works and Manuscripts", "Poverty in Philosophy", "Communist Manifesto" and "Capital", which generally emphasize the principle of putting people first and using rationality and universal laws to study political and legal issues. Although Marx and Engels do not have specialized theoretical theories and academic works on the rule of law in socialist society, their classic works are based on a critical inheritance of three major legal thought theories, including modern classical natural law, German classical legal philosophy, and utopian socialist rule of law. They deeply criticized capitalist countries and their operating modes at the legal level, their general discourse on the state and law, as well as their fundamental positions and principles on proletarian dictatorship theory and rule of law theory, which have important theoretical guidance significance for the construction of socialist rule of law with distinctive characteristics in the new era. The Marxist theory of rule of law mainly includes the following content.

2.1 Law is determined by economic foundation

Law, the product of constantly developing economic forces, is determined by the economy. Relevant laws are views that reflect the economic situation. According to this theory, the production systems that exist at different historical stages of society determine political, social, religious, and cultural systems, and thus construct the "superstructure" based on this specific economic foundation. Law is also an important component of the superstructure, therefore, the content, form, and conceptual tools of law are determined by the economy and serve the socio-economic development. However, law is not only a function of the economy, but also stands alone. In response to this viewpoint, Engels emphasized in some of his later letters that economic factors are not the sole and complete factor in social development. The norms and systems of law not only have a counterproductive effect on the economic foundation, but can also change the economic foundation over a certain period of time, such as protecting tariffs, free trade policies, or fiscal measures that affect the process of economic development. Under social and historical conditions, regardless of any other relationship, the impact of political and ideological relationships on economic relations is significant. Ultimately, economic relations are decisive relationships that constitute the red line of social development.

2.2 Law bears class character

Law, bearing class character, is regarded as a way of class rule by Marxist development theory. In the classic work of "Communist Manifesto", Marx aimed at the bourgeoisie at the time and said, "Your jurisprudence is nothing but the will of your class, which is included in the laws applicable to everyone". This is a criticism of the law in bourgeois society as a manifestation of class will. From a general evaluation of the legal nature, the legal will of bourgeois society is a tool implemented by harming the interests of non-ruling classes. Marx emphasized that "it is necessary to make the people, the actual embodiment of the state system, become the principles of the state system".

2.3 Law bears practicality and regularity

Law bears practicality and regularity. Marx said, "Man is the world of man—state, society". From ancient times to the present, law has been the social norm and code of action that regulates human behavior, and humans are the subject of legal practice. Law is formulated based on the understanding of social productive forces and production relations, reflecting the organic combination of law and social development laws. Law bears objective regularity that does not transfer from human will. Law is embedded in the complex internal relationships of various fields and aspects of society. Based on this, Marx stated that law is not only a tool of the ruling class, but also bears inherent laws. He believes that the formation and development of law are influenced by the socio-economic foundation, reflecting changes in class struggle and social relations. Therefore, law is not only a superstructure, but also a social phenomenon with certain regularity.

3 Cultural origins: excellent traditional legal culture in China

Xi Jinping's Ideology on the Rule of Law is an endogenous product of China's excellent traditional ideological and cultural heritage and the development of socialist rule of law with Chinese characteristics. The inheritance, application, and absorption of the rule of law thinking and concept contained in Chinese excellent traditional culture are the inevitable results of the profound transformation and adaptation of Chinese civilization to historical evolution. The formation logic and experience summary of China's ideology on the rule of law can be traced back to the traditional philosophical and historical cultural traditions of ancient China. Among them, Confucianism has had a profound impact on the formation of China's ideology on the rule of law. Confucianism emphasizes core values such as destiny, benevolence, righteousness, and morality, and advocates harmonious relationships between monarchs and subjects, fathers and sons, spouses, and brothers, laying the foundation for a people-oriented rule of law. In addition, the rise of legalism also provided important theoretical support for the establishment of China's legal system. Legalism advocates a strict legal system and the concept of the rule of law, emphasizing the fairness and enforcement of the law, and providing a strong theoretical basis for the development of modern Chinese legal concepts.

3.1 Legalism values the legal system and the concept of the rule of law

Firstly, the theory of rule of law during the Xia, Shang, and Zhou dynasties was mainly reflected in the traditional culture and legal system of ancient China. During this period, the formulation and implementation of laws were mainly based on concepts such as ritual system, patriarchal system, and legal code. During the Xia, Shang, and Zhou dynasties, Chinese civilization accelerated its development, moving from the ancient country to the kingdom, with the emergence of a wide area monarchy. With the centralization and unification of national and central power, criminal laws have been formulated to consolidate the ruling order. According to Zuo Zhuan, "During the Xia Dynasty, there was chaos, which led to the creation of the 'Yu Punishment'; during the Shang Dynasty, there was chaos, which led to the creation of the 'Tang Punishment'; during the Zhou Dynasty, there was chaos, which led to the creation of the 'Nine Punishments'. Therefore, the main purpose of the legal system during this period was to maintain social order and stability, ensuring the authority and ruling position of rulers". During the Spring and Autumn Period and the Warring States Period, Zichan cast a penalty book in the Ding of Zheng State, and Li Gui wrote "Canon of Laws" in the Wei State, which is one of the legal documents of the Spring and Autumn Period and the Warring States Period, recording the legal provisions and systems of that time. Therefore, China began to have its own written code system.

Canon of Laws, as one of the legal documents of the Spring and Autumn Period and Warring States Period, detailed the legal provisions and systems of that time. The legalist school, represented by Guan Zhong, Deng Xi, Shang Yang, Han Fei, and others, emphasizes the core position of law in national governance. Unlike other schools of thought, legalism believes that the key to national governance lies in the establishment of a strict legal system, rather than moral governance. Shang Yang pointed out that "laws and regulations are the orders of the people, and they are the foundation of governance, so it is important to prepare for the people". This paragraph echoes Shang Yang's theory of the rule of law. Shang Yang believed that law is the cornerstone of maintaining national order and social stability. Without legal constraints, the country will fall into chaos and the people will be unable to live and work in peace. Therefore, he advocates the establishment of a strict legal system to ensure that everyone complies with the law and assumes their own responsibilities and obligations. Only in this way can the country maintain long-term stability and achieve social prosperity and stability.

Han Fei believed that "if the law is clear, there will be no internal turmoil, and if the plan is effective, there will be no external casualties. Therefore, if a country exists, it is not benevolent and righteous". This passage reveals Han Fei's theoretical concept of the rule of law. Han Fei further emphasized the seriousness and authority

of the law. He believes that if the law is not valued or underestimated, the role of the law cannot be played, and the country will find it difficult to achieve success and establish its reputation. He believes that only with clear and strict laws can there be no internal turmoil and no external war disasters. Therefore, the path of benevolence and righteousness is not the only way to maintain the survival of a country, and legal constraints and norms are equally crucial.

Deng Xi advocated that “matters should be judged by the law, which is the way of this country”. He proposed that “legislation should be conducted privately, and disputes with the law are more chaotic than impossible”. This paragraph refines Deng Xi’s theoretical concept of the rule of law, emphasizing the importance and fairness of the rule of law. All affairs should follow the law, because the law is the cornerstone of national governance. He pointed out that if one does not respect the law, instead engages in corruption, abuses power for personal gain, or attempts to compete with the law, there will be social chaos and turmoil. Therefore, he believes that establishing a sound legal system should ensure that everyone must act in accordance with the law, becoming the key to ensuring national stability and social harmony. In the long river of history, China’s ideology on the rule of law has continuously developed and strengthened, undergoing evolution and improvement in different periods such as Qin and Han, Tang and Song, and Ming and Qing. Especially under the rule of ancient Chinese dynasties, the ideology on the rule of law was widely disseminated and implemented, forming a complete legal system and governance mechanism. For example, the compilation and implementation of legal codes such as Tang and Song laws marked the further deepening and improvement of ancient Chinese legal concepts.

3.2 Confucianism emphasizes the people-oriented foundation of the rule of law

Undoubtedly, the theory of rule of law advocated by legalism is more objective and fair compared to “benevolence, righteousness, propriety, wisdom, and trust”. Confucianism advocated by Confucius emphasizes the importance of etiquette, morality, and interpersonal relationships. He emphasized the cultivation of moral character, believing that social harmony and stability can be achieved through self-cultivation, family harmony, governance, and world peace. Confucius’ ideas have had a profound impact on both ancient and modern Chinese society, and are considered an important component of traditional Chinese culture. The socialist ideology with Chinese characteristics in the new era was established in promoting the “two combinations”. It can be seen that its emphasis on the combination of rule of law and rule of virtue is a modern product of the inheritance, development, and innovation of the ideas in the rule of law and rule of virtue contained in traditional Chinese culture and legal culture. It is an endogenous theoretical achievement of the construction of socialist rule of law with Chinese characteristics in the new era.

4 Generative logic: unity of rule of law and socialism

Xi Jinping’s Ideology on the Rule of Law was born in the development process of socialist rule of law with Chinese characteristics, and its generation logic is based on the unity of rule of law and socialism. It always adheres to the unity of the Party’s leadership and people’s subjectivity, reflecting the principle of the unity of the rule of law and socialism; it always adheres to the rule of law and promotes the stable operation of the social economy, reflecting the value of the unity of the rule of law and socialism; it has always adhered to the coordinated promotion of domestic and foreign rule of law, reflecting the unity of rule of law and socialism in all aspects of renewal; it has always adhered to the organic combination of the intra-party legal system and the socialist rule of law system with Chinese characteristics, reflecting the strategic height of the unity of the rule of law and socialism. On the basis of summing up the historical successful experience of the CPC in leading the construction of the socialist rule of law with Chinese characteristics, it has created and led the socialist rule of law thought with Chinese characteristics in the new era. Xi Jinping’s Ideology on the Rule of Law emphasizes the unity of the rule of law and socialism, reflecting the uniqueness and innovation of the socialist rule of law concept with Chinese characteristics. The generation logic and practical experience mainly include the following aspects.

4.1 Adhere to the unity of the Party's leadership and people's subjectivity

Xi Jinping's Ideology on the Rule of Law regards the leadership of the Party as the fundamental guarantee for promoting the comprehensive rule of law. Xi Jinping pointed out that "the leadership of the Party is the soul of socialist rule of law with Chinese characteristics". Therefore, the socialist rule of law with Chinese characteristics in the new era emphasizes the Party's leadership and regards it as the fundamental guarantee of the construction of the rule of law. The construction of the rule of law under the leadership of the Party reflects the superiority and stability of the socialist system with Chinese characteristics. It firmly adheres to the fundamental position of the rule of law in China, which is to unwaveringly adhere to people's subjectivity as the fundamental lifeline of socialist rule of law construction with Chinese characteristics in the new era. Xi Jinping also pointed out that "the fundamental purpose of promoting comprehensive rule of law is to safeguard the interests of the people in accordance with the law". The fundamental purpose of the rule of law is to safeguard the rights and interests of the people. The socialist ideology on the rule of law with Chinese characteristics implements historical materialism, emphasizes that people are the main body of the rule of law, and must adhere to everything for the people and rely on the people. The rule of law should be centered on the interests of the people, and the promotion of people's well-being should be implemented throughout the entire process of comprehensive rule of law, effectively safeguarding the legitimate rights and interests of the people. Therefore, its consistent adherence to the unity of the Party's leadership and people's subjectivity reflects the principle of the unity of the rule of law and socialism.

4.2 Adhere to the joint promotion of the rule of law and stable socio-economic operation

Xi Jinping's Ideology on the Rule of Law takes the scientific application of the inherent logic and connection of governing the country according to the constitution and law, and coordinating development and stability as the legal guarantee for promoting socialist modernization construction. Xi Jinping clearly pointed out that "we must adhere to the rule of law and coordinate social forces, balance social interests, and regulate social relations". The socialist rule of law with Chinese characteristics emphasizes the unity of the rule of law and development, as well as the unity of the rule of law and stability. The rule of law should not only provide strong guarantees for development, but also provide a solid foundation for social stability, and achieve sustainable and healthy economic and social development. Therefore, Xi Jinping's Ideology on the Rule of Law always adheres to the rule of law and promotes the stable operation of the social economy, reflecting the value of the unity of the rule of law and socialism.

4.3 Adhere to the coordinated promotion of domestic and foreign-related rule of law

Xi Jinping's Ideology on the Rule of Law applies the holistic view of Marxist philosophy and the concept of primary and secondary contradictions, adheres to a systematic concept and holistic thinking, focuses on overall planning, and jointly promotes law-based governance, law-based exercise of state power and law-based administration of government. It also adheres to the coordinated promotion of domestic and foreign rule of law, demonstrating the scientific and regular nature of China's rule of law, and reflecting the inherent requirement and important cornerstone of the construction of socialist rule of law with Chinese characteristics in the new era. The world has not experienced significant changes and accelerated its evolution. In response to the ever-changing international situation, Xi Jinping specifically emphasized the need to accelerate the strategic layout of foreign-related rule of law work. At the same time, the comprehensive use of legal means including legislation, law enforcement, judiciary, publicity and education forms a comprehensive and multi-level pattern of rule of law work, ensuring the comprehensive promotion of rule of law construction. Therefore, Xi Jinping's Ideology on the Rule of Law has always adhered to the coordinated promotion of domestic and foreign rule of law, reflecting the spirit of the unity of rule of law and socialism, and keeping up with the times.

4.4 Adhere to the organic combination of the Party's internal regulatory system and the socialist rule of law system with Chinese characteristics

Xi Jinping's Ideology on the Rule of Law takes into account the construction of the rule of law, the

construction of the ruling party, and the modernization of national governance capacity, and uses the linkage efficiency of the three to help achieve the second centenary goal. On the basis of clarifying the logical connection between the construction of the socialist rule of law system with Chinese characteristics and the modernization of the national governance system and governance capacity, Xi Jinping aimed to form a sound internal party regulatory system to promote the modernization of the national governance system and governance capacity. The socialist rule of law ideology with Chinese characteristics emphasizes the need to continuously improve the modernization of the national governance system and governance capacity, continuously improve the level and efficiency of legal work, and provide solid legal guarantees for achieving the goal of comprehensively building a socialist modernized country. Therefore, Xi Jinping's Ideology on the Rule of Law has always adhered to the organic combination of the Party's internal regulatory system and the socialist rule of law system with Chinese characteristics, reflecting the strategic height of the unity of rule of law and socialism.

5 Spiritual traits: timeliness, people-orientation, and legality

The inherent characteristics and spiritual cultivation of the rule of law ideology can be seen as a belief and respect for law and order. It reflects a society's recognition and adherence to justice, equality, and rules. The inherent characteristics and spiritual cultivation of Xi Jinping's Ideology on the Rule of Law are mainly reflected in the following aspects: keeping up with the times, putting people first, and respecting laws with legal rationality.

5.1 Inherent traits and spiritual cultivation: timeliness

The inherent characteristics and spiritual cultivation of Xi Jinping's Ideology on the Rule of Law demonstrate the timeliness of keeping up with the times. "The era is the mother of thought, and practice is the source of theory." Xi Jinping's Ideology on the Rule of Law is rooted in the practical basis of the theoretical exploration and development of the rule of law led by the CPC, and is the product of the era of socialist rule of law practice with Chinese characteristics. Since the beginning of the new era, the ever-changing international situation has posed a new issue for China—"What kind of rule of law path should China adhere to and how to build a socialist rule of law country in China". The CPC actively explores the theory, line and strategy of rule of law in the new era, conforms to the trend of the development of the times, responds to the practical needs of rule of law in China, forms the rule of law thought, and highlights the epochal nature of the rule of law thought.

First, Xi Jinping's Ideology on the Rule of Law is deeply rooted in the revision and improvement of the Party Constitution by the successive National Congresses of the CPC over the past century over the past 75 years, and the inheritance and development of the practice of the formulation and modification of criminal, civil, state institutions and other basic laws by the successive National People's Congresses and the Standing Committee of the National People's Congress in accordance with the Constitution. The contemporary theoretical character of the idea of the rule of law is the good quality of the CPC in exploring the history of socialist construction of the rule of law.

Second, the concept of rule of law arises from the new demands of the new era. In the history of the Chinese people's exploration of socialist rule of law under the leadership of the Party, the rule of law has been the unwavering pursuit of the Party and the people. In the early days of the founding of the People's Republic of China, the Common Program adopted by the First Plenary Session of the Chinese People's Political Consultative Conference laid the legal foundation for the early days of the founding of the People's Republic of China; 1954 Constitution effectively guaranteed the transition from a new democratic society to a socialist society; since the Third Plenary Session of the Eleventh Central Committee, it has been clearly stated that "in order to ensure people's democracy, it is necessary to strengthen the socialist legal system, and make democracy institutionalized and legalized"; since the 18th National Congress, socialist contradictions have undergone new changes. In order to continue deepening reform and opening up, and promote high-quality development, it is necessary to strengthen the construction of socialist rule of law. Therefore, Xi Jinping's Ideology on the Rule of Law is a theoretical achievement and creation that conforms to the development of the times and keeps pace with the times.

5.2 Inherent traits and spiritual cultivation: people-orientation

The inherent characteristics and spiritual cultivation of Xi Jinping's Ideology on the Rule of Law reflect the people-oriented nature. First, people's dominant position in the construction of the rule of law reflects that the construction of the socialist rule of law with Chinese characteristics is consistent with the fundamental position of the CPC—people. Second, the achievements of the rule of law construction are jointly built and shared by the Chinese people. The construction of the rule of law in socialism with Chinese characteristics is a complex and large-scale project that must rely on and serve the people. On the other hand, the Constitution and laws require people's compliance and maintenance. Based on this, Xi Jinping emphasized that “the fundamental purpose of the Party leading the people in formulating and implementing the Constitution is to safeguard the interests of the people”. Third, everyone is equal in the face of the achievements of socialist rule of law construction with Chinese characteristics. Equality is a fundamental attribute of the law and a fundamental requirement of the rule of law. The principle of equality before the law reflects that the people are the fundamental position and value destination of the rule of law construction. Fourth, the construction of socialist rule of law with Chinese characteristics, which emphasizes upholding the authority and dignity of the Constitution. No organization or individual shall exceed the privileges of the Constitution and the law, ensuring the fundamental principle of people's right to be the masters of their own country and the rule of law of equality for all. To uphold the authority and dignity of the Constitution is to uphold the common will of the Party and the people. Xi Jinping's Ideology on the Rule of Law from the perspective of the people to their dominant position in the construction of the rule of law, and then to the fundamental principle of ensuring the right of the people to be the masters of their own affairs and the principle of equality for all, fully embodies the people-oriented characteristic and connotation.

5.3 Inherent traits and spiritual cultivation: legality

The inherent characteristics and spiritual cultivation of Xi Jinping's Ideology on the Rule of Law demonstrate the scientific and orderly legal principles. Rule of law is a profound and great transformation. Xi Jinping emphasized that “scientific theory must be the guide and theoretical thinking must be strengthened”. Marxism, as a scientific theoretical system, is the theoretical weapon guiding the construction of socialist rule of law in China. Firstly, the overall concept of Marxist philosophy reflects the scientific and orderly legal principles. Based on this, Xi Jinping emphasizes that “governing the country by law is a huge systematic project that must be comprehensively considered, focused on key points, and planned as a whole”. Secondly, the Marxist philosophy of primary and secondary contradictions reflects the scientific and orderly legal principles. Xi Jinping's Ideology on the Rule of Law reflects the focus on handling affairs, concentrating the main forces to solve major contradictions, and adhering to the unity of the two point theory and the key point theory. Xi Jinping pointed out that “building a socialist rule of law system with Chinese characteristics is a main line that runs through the entire decision”. The main line is the focus and overall grasp of the comprehensive rule of law, which has a guiding significance for the comprehensive rule of law. Thirdly, the Marxist philosophical practice concept embodied in the ideal of Xi Jinping's Ideology on the Rule of Law reflects the scientific and orderly legal principles. Xi Jinping pointed out, “The life of a constitution lies in its implementation”. Xi Jinping's Ideology on the Rule of Law reflects that practice is the source of understanding and the standard of argumentation. Only through practice can we ensure the construction of a socialist rule of law country. Finally, the Marxist philosophical development concept embodied in the ideal of Xi Jinping's Ideology on the Rule of Law reflects the scientific and orderly legal principles. He emphasized, “We must adhere to keeping up with the times to improve and develop the Constitution”. Marxism believes that the economic foundation determines the superstructure. The Constitution and laws, as superstructure, must adapt to changes in the economic foundation and continuously improve and develop with the comprehensive deepening of reform and construction practices led by the Party. Only by keeping up with the requirements of the times and adhering to the objective laws of rule of law construction can the vitality of the Constitution and the law be

maintained forever.

6 Conclusion

The formation logic of Xi Jinping's Ideology on the Rule of Law is a complex and diversified process, which has been influenced and shaped by many factors, such as the rule of law thought of Marx and Engels, the traditional philosophical thoughts of Confucianism and Legalists in the Chinese traditional legal culture, the accumulation of the rule of law practice and cultural traditions of ancient Chinese dynasties, and the summary of the historical experience of the rule of law construction led by the CPC. At present, the globalization of law and the rule of law in international law have made legal exchanges and interactions between countries more frequent. The changing international situation has prompted China to accelerate the formation of a comprehensive system of foreign-related laws and regulations, and improve the efficiency of foreign-related law enforcement and justice. For example, the formulation and implementation of the Foreign Relations Law of the People's Republic of China in 2023. In the future digital economy era, the rule of law ideology will pay more attention to data privacy protection, intellectual property protection, network security, cross-border cooperation and legal mutual recognition, as well as data governance and regulation. Under the joint action of these factors, the socialist rule of law with Chinese characteristics in the new era will reach a new theoretical height, and at the same time provide important reference and inspiration for the construction of the rule of law with Chinese characteristics in the new era, making the construction of the Chinese rule of law system more solid and sustainable on the path of continuous development and improvement.

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