



# Study on Perfecting the System of Discipline and Law Connection

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## Abstract

The convergence and coordination mechanism of Party discipline and state law refers to the interconnection of party discipline and state law in the system so that law and discipline can more effectively play the role of governing the country according to law and governing the Party according to regulations. The convergence between party discipline and national law is directly related to the development of our country's legal system. The system of connecting discipline and law requires that Party discipline and national law have the same nature, and the same direction of governance, but each performs its own function in content. Among them, the "Regulations on Disciplinary Measures of the Communist Party of China" after three revisions has achieved relatively obvious results in the connection of discipline and law, but with the rapid development of China's rule of law construction, there are still some problems to be solved in the connection of Party discipline and state law in the legislative formulation stage, the operation stage of implementation and the implementation stage of supervision.

## Keywords

Party discipline, State law, Discipline and law cohesion of the Communist Party of China disciplinary regulations

Party discipline and state law are part of the legal system of our country. They cooperate with each other and converge to promote the development of the legal cause of our country. In 2018, the third revised "Regulations on Disciplinary Action of the Communist Party of China" was officially promulgated and implemented. The newly revised "Regulations" not only emphasized the importance of governing the country according to law, but also put forward the slogan of governing the Party in accordance with regulations, and deeply understood the implementation of comprehensive and strict Party governance. In contrast, the problem of connecting discipline and law has also risen to a new height.

## 1. Theoretical basis and general model of the convergence of discipline and law

### 1.1 Definition of disciplinary cohesion

Party discipline refers to the code of conduct formulated by our Party and strictly observed by Party organizations at all levels. Party discipline is the full guarantee of following the Party's line and implementing the Party's governance policy, the full guarantee of maintaining the Party's unity and unity, the full guarantee of strengthening the relationship between the Party and the masses, and the full guarantee of maintaining the Party's purity and advanced nature. Law, that is, national law, refers to the norms formulated or recognized by the organs of state power that have a binding effect on all activities of state affairs. National laws play an important role in the construction of social and economic order, ensuring the stable development of society, clarifying the behavior pattern of individual citizens,

entrusting citizens with certain rights and obligations, accurately punishing crimes, and ensuring fairness and justice.

The convergence of discipline and law refers to the handover of Party discipline and national laws in the formulation and implementation. The theoretical basis of the convergence of discipline and law can be elaborated from two aspects. First, from the point of view of the content of the formulation, there is a certain convergence between Party discipline and state law; For example, Article 4 of the Disciplinary Regulations stipulates that the Party's disciplinary work shall be equal before Party discipline; Article 4 of the Criminal Law stipulates that all persons are equal before the law. It can be seen that the principle of equality is emphasized in both the Disciplinary Regulations and the Criminal Law (Li Yicheng, 2019). Second, from the perspective of the specific operation of violations of discipline and law, Party discipline and national law also have a certain connection; In the specific operating mechanism, the punishment measures for violations of discipline and law cannot be substituted for each other. Discipline is not equal to law enforcement, law enforcement cannot include discipline, but discipline and law enforcement echo each other in the operation process. This is due to the two forms of action jointly determined.

## **2. Mode of discipline and law connection**

### **2.1 Before the law**

Discipline before the law means that the Party's discipline is upheld in front of the law, that is, the treatment of party discipline precedes the judicial treatment. Past cases of Party members violating discipline and law show that party members violating discipline are the basis of illegal behavior. If we want to prevent most illegal behavior, we need to implement the policy of discipline before the law, strangle illegal behavior in the cradle, and avoid party members and cadres from causing a big disaster due to small mistakes. The 2018 "Disciplinary Regulations" highlighted the principle of discipline before the law as the first element, and the fourth chapter of the "Disciplinary Regulations" made a special explanation for the punishment of Party members who have violated the law but have not yet constituted a crime. If a party member is found to have violated the law during the disciplinary review process, he or she can be directly investigated for the responsibility for violating the discipline. The violation of the law is serious enough to rise to the standard of crime, and under normal circumstances, the relevant personnel should be punished by party discipline, and then transferred to the judicial organ to make a judgment on the criminal behavior.

From the point of view of specific regulations and relevant laws, Party discipline is a more subtle supplement to the national law, which can prevent more cutting-edge improper behavior.

### **2.2 Strictly observe the law**

Being strict with the law means that the Party's discipline should be stricter than the national law in terms of institutional norms and enforcement. This is because Party discipline is stricter than state law because of the special nature of the Party; National laws, as the minimum standard for maintaining social and economic order, punish all citizens who make serious mistakes, but for special groups such as party members, this relatively lenient standard is far from enough. The Constitution of the Communist Party of China adopted by the 17th Party Congress has a targeted description of the nature of the Party: The Communist Party of China is the working class of China. The vanguard is the vanguard of the Chinese people and the Chinese nation, the core of leadership for the cause of socialism with Chinese characteristics, representing the development requirements of China's advanced productive forces, the direction of China's advanced culture, and the fundamental interests of the overwhelming majority of the Chinese people (Wei Wenfang, 2019). Therefore, we should always follow "high standards and strict requirements" to build Party discipline. The purpose of the Party determines that Party discipline is stricter than the law of the land. The CPC has always taken serving the people as its fundamental purpose, which is followed and practiced by 96 million CPC members. A Party member is not only a member of the broad masses of the people, but also a public servant carrying the task of serving the country and the people, therefore, every party member must not only fulfill the basic obligations of the people but also be ready to sacrifice personal interests for the country and the people, as a Communist Party member must give up personal interests, give up small families, for everyone. This is also the underlying theoretical basis of discipline in law.

### **2.3 The historical development and the inevitability of the system of connecting discipline and law**

#### **2.3.1 The development background of the convergence of discipline and law**

The construction of the relationship between Party discipline and state law is a process that is constantly changing

with social and economic changes. Since its founding, the Communist Party of China has always given top priority to the linkage construction of discipline and law. After the founding of the People's Republic of China, as the Party found a series of system problems and implementation loopholes in the process of overall governance, it constantly adjusted the relationship between Party discipline and law, trying to find out how to link discipline and law in the process of continuous economic and political development in order to better solve the overall development. The relationship between Party discipline and state law has gone through three stages of development in chronological order.

The first stage was from 1949 to 1997, from the founding of New China to the appearance of the Regulations on Disciplinary Action of the Communist Party of China. The relationship between Party discipline and state law at this stage is mainly manifested in the dependence of Party discipline on state law.

The second stage is more than 20 years from 1998 to 2011, the relationship between Party discipline and state law is mainly manifested as the coexistence of discipline and law, with law as the main development situation.

### **2.3.2 The inevitability of the system of connecting discipline and law**

The convergence of discipline and law is the product of the era of the common development of Party discipline and state law for more than 100 years, is a powerful weapon to promote the modernization of China's national governance capacity and governance system, and is an inevitable result of resolutely maintaining the supreme status of Party discipline and state law.

### **2.3.3 The integration of discipline and law is the inevitable path to further promote anti-corruption work**

In recent years, the Office of Discipline Inspection and Supervision organs has become a new model of the connection between Party discipline and national law. The Office of Discipline Inspection and Supervision office determines the joint action mode of discipline and law in the process of supervision and law enforcement and plays the role of two directions with one main body. All these reflect a mode of action to effectively promote anti-corruption construction, that is, to strengthen the coordination and cohesion between Party discipline and national law. The Sixth Plenary Session of the 19th Central Committee once again emphasized the guiding ideology of "the Party adheres to strict discipline in the law and the enforcement of discipline and law." The specific performance is to combine the Party's discipline inspection system with the national legal system such as the Supervision Law and the Criminal Procedure Law, jointly promote the standardization and rule of law of anti-corruption work, and achieve the in-depth development of anti-corruption work with higher efficiency. Under the background of full coverage of national supervision, the emergence of discipline inspection and supervision offices is a major breakthrough in the collaborative operation of discipline and law.

### **2.3.4 Adhering to the convergence of discipline and law is an inevitable choice for the implementation of comprehensive and strict Party governance**

How to be comprehensive and how to meet the strict standard are the necessary conditions to understand the comprehensive and strict Party governance." "Comprehensive" refers to the scope of party management and governance, that is, the management of the Party and governance of the Party must clear every corner, and not miss any part that may be missed. "Strict" is a further explanation of "comprehensive". Some scholars advocate promoting comprehensive and strict Party governance through improving the intra-party accountability mechanism because the comprehensiveness of accountability conforms to the "comprehensive" requirement of comprehensive and strict Party governance, the severity of accountability conforms to the "strict" requirement of comprehensive and strict Party governance, and the instrumental nature of accountability conforms to the "governance" requirement of comprehensive and strict Party governance (Wang Lifeng & Lv Yongxiang, 2017). Through the scientific and advanced ideological dimension as the foundation of the construction of the Party management and Party governance system, the thought of comprehensively and strictly governing the Party can be deepened more efficiently. The thorough integration of "strict" and supervision and enforcement of discipline is a dialectical relationship, and adhering to the thorough integration of discipline, law, and reason can be more efficient and more specific to promote the realization of comprehensive strict governance of the Party (Xiong Mingming & Zhu Jianhua, 2021).

## **2.4 Problems existing in the process of implementing the integration of discipline and law**

### **2.4.1 There is a fault in the connection and formulation of Party discipline and national law at the legislative stage**

China is a one-party ruling system. The Central Committee of the Communist Party of China not only has full

authority over the judicial work but also is responsible for the construction of Party regulations and Party discipline. It can not only promote the legislative work to realize the rule of law but also supervise the construction of Party governance in accordance with regulations. However, there are still deficiencies in the connection between the party's legislative body and the national law-making body. Secondly, inner-party regulations still have defects in the procedural and systematic aspects of legislation. The specific performance is the lack of procedural and systematic legislative experience of party discipline; Specific design norms are the only way to make the scientific construction of party discipline, and only by truly improving the top-level design of the system can we truly conform to the law in the legislative stage. For example, in the 2015 version of the Disciplinary Regulations, there are a large number of uncertain expressions such as "timely" and "relevant provisions", which are not specific enough and give people a vague feeling.

#### **2.4.2 Adhere to the convergence of discipline and law in the implementation phase**

As the most important part of the "four comprehensives", comprehensively governing the country according to law has always played a leading role in the overall strategic layout. Among them, strengthening Party building and comprehensively governing the Party strictly is another embodiment of comprehensively governing the country according to law, and it is the general starting point for promoting the "four comprehensives" strategic layout. Discipline and law enforcement should be connected and coordinated with each other, and discipline should emulate law enforcement, and law enforcement implies discipline. Strict rules and regulations are a strong guarantee for orderly execution. The national discipline inspection and enforcement organs at all levels should become the vanguard of adherence to discipline, take the lead, and be a good example for Party members and the people.

(1) Promote the improvement of the convergence model of Party discipline and State law legislation process.

It is the first step to fully realizing the convergence of discipline and law in the legislative stage, and paying attention to the establishment of legislation and discipline is the basis of the convergence of discipline and law. In order to quickly and effectively strengthen the convergence of the legislative stage, according to the characteristics of the current party discipline and national law should be implemented from three aspects.

First, efforts should be made to promote communication and coordination between the legislative departments of discipline and law and establish a solid framework for the convergence of legislation and discipline. Specific operations include clarifying the tasks of the legislature within the Party, further enhancing the communication and coordination between the people's congresses at all levels, the law-making departments of the government, and the Party Central Committee organizations at all levels on the basis of the work mode that has been formed, jointly carrying out the discussion and demonstration of major issues related to legislation and discipline

Second, in order to improve the process of making inner-party regulations, we should further do a good job of abolishing the old Party discipline and righting the new Party discipline. Specific operational measures can start from the review system of the legality of intra-party regulations, and each proposed intra-party regulation should be strictly examined for legality and constitutionality (Jiang Bixin & Long Feng, 2022).

(2) Adhere to the convergence of discipline and law in the implementation phase

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(3) Establish a systematic and sound supervision system for the connection of discipline and law.

In 2018, the Supervision Law of the People's Republic of China was passed at the 13th National People's Congress, and in the same year, the third revised Regulation on Disciplinary Action of the Communist Party of China was promulgated and implemented. Within a year, both a law and a party regulation were introduced, with the aim of applying the supervision mechanism of state law to Party discipline to achieve a more efficient connection between discipline and law. The construction of a perfect inspection system can not meet the current state-centered legal concept, the new version of the answer is to emphasize the state law and party discipline as the sole reliance on supervision of discipline and law. The socialist rule of law system with Chinese characteristics includes a complete system of legal norms, a strict system of legal supervision, a powerful system of legal guarantee, and a perfect system of inner-party regulations (Cai Juan, 2018).

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