Research on the Modern Chinese Legal System Optimization Pattern under Background of Chinese Dream and Transformation

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Abstract

In this paper, we conduct research on the modern Chinese legal system optimization pattern under background of Chinese dream and transformation. Building a harmonious society, want to have a complete legal system one should every law system should be adjusted by the relevant legal system, different areas of the legal system should be connected, and organic coordination. Tend to provide can follow the rules of the social development. For the modern state, the rule of law itself is a fundamental problem, it can be to solve social contradiction and realize the fairness and the justice, to shape the cultural spirit of honesty and affection to create a basic institutional environment. In this paper, to deal with the challenges met with in the legal system, we proposer the novel perspectives that will then optimize the system, in the future, more things will be discussed and considered.

Keywords: Legal System, Optimization Pattern, Chinese Dream, Transformation, Modern.

Introduction

The legal adjustment mechanism is a systematic, integrity as the basic foothold. In other words, the legal adjustment mechanism is to use the overall point of view analysis law phenomenon of a kind of methodology, but it is different from general system theory. It at the same time in the emphasis on integrity of the legal system as especially emphasizes the legal system of the motor. Integrity and the motility is actually legal adjustment mechanism of two of the most significant features [1-3].

In harmonious society, the law is to guide the social behavior of the specification, the rules of the construction of social order, decision criterion of the social disputes, maintaining social stability, the guarantee of realizing basic social justice. Correct understanding of the legal adjustment mechanism concept, need to pay attention to grasp the following points. (1) Law adjustment mechanism is not only made up of different function, a variety of legal action system, and it is a process. That is, the legal adjustment mechanism is through the legal means of mutual relation and interaction, movement is the rule of law and the result of the product. (2) The concept of legal system is mainly to express internal contact and its organization, structure, legal phenomenon. And category of law adjustment mechanism is emphasized as all legal phenomenon of the overall legal system of the whole item, motility and pay attention to legal adjustment of social relations. (3) From legal action in important position of the legal adjustment system and its main regulator as a society and the role of law is the substantive and the functional resume legal phenomenon grasp the characteristics of the legal means.

Facing the new century new stage our country development present a series of the new gradual characteristic, how to according to the requirements of the scientific outlook on development, further establish the socialist concept of rule of law, that adhere to the scientific legislation, democratic legislation, perfecting the legal system of socialism with Chinese characteristics, to meet the need of scientific development, promote the sound and rapid economic and social development as is that we must address the major issues facing. Adhere to the people-oriented, perfect the legal system of the
socialism with the Chinese characteristics, we must according to the needs of economic and social development, perfecting the legal system, to make it fully embody and reflect the general will and interests of the people's demands, it is perfecting the legal system of socialism with that Chinese characteristics, to push the starting point and the foothold of the socialist legal system construction, and is the inevitable requirement of carrying out scientific development view.

Under the condition of socialism, the all-round development of human beings and the perfection of legal system have a close relationship. In essence, the value of law depends on how it serves the people, how is the overall development of the service and the perfection of the legal system is the important way to realize method of value. For better demonstration, in the figure one, we illustrate the general architecture of the modern legal system.

**Figure 1. The General Architecture of the Legal System.**

In this paper, we conduct research on the modern Chinese legal system optimization pattern under background of Chinese dream and transformation. In the later sections, we will discuss in detail.

**The Proposed Methodology**

**The Chinese Dream.** China's dream is not abstract, it is after passage of the Chinese nation, after the hundreds of years of arduous struggle, the Chinese realize the history of the great change coordinates the birth of the theory thinking, thus has the Chinese characteristic, connotation, essence and basic characteristics of Chinese style. The Chinese dream is not a single level of dream, but are highly integration, and the integrity of the dream. We should not take the Chinese dream only understood as a purely personal dream, ethnic or national dream dreams, this is the one-sided understanding of the Chinese dream realized and the simplicity. Only from the perspective of dialectic, could achieve to understand the nature of the basic Chinese dream realized. That is to say, the Chinese dream from a different angle and level, of course can be understood as a personal dream, ethnic or national dream dreams, but the Chinese dream is also a personal dream, dream and nation the fusion of the three, so to speak, personal dream, dream and nation is the embodiment of the Chinese dream on different levels and angles. The figure to shows the differences between Chinese and US dream [4].
China dream a broad field of vision, contain abundant is the high rhythm and spirit of the Chinese flag, is to promote the realization of socialist modernization of China and the great rejuvenation of the Chinese nation strong spiritual power is the popularity of the socialism with Chinese characteristics for the future popularization. Due to the "Chinese dream" abstract as a cultural symbol, therefore, to a large extent beyond it contains specific connotation, at the same time its ideology hidden attributes, "Chinese dream" is like the Chinatown, Confucius culture symbol, in China, especially the Chinese culture, the important symbol of the Chinese spirit, Chinese charm, to China's "soft power" enhance the output of the Chinese culture and lay a solid foundation.

The China's Transition Background. Founding years, China has taken place in the international and domestic environment is undergoing extensive and profound changes, and as a reflection of social existence of the ideology also quietly changing their content and form, and gradually formed a new paradigm of the contemporary Chinese ideological transformation also as an important research topic, into the field of vision of scholars. Current home to understand the meaning of transformation are mainly: the first is the economic system transformation, namely the transformation of understanding for the transformation from the planned economy system to market economic system, the process of this is consistent with international dominant explanation viewpoint; The second is transformation of economic development stage, that is, from the perspective of productivity to understand the transition to a lower level of economic development stage to a higher level of change; The third refers to the combination of economy and society transformation, that is, on the one hand is refers to from planned economy to market economy, at the same time, on the basis of the relationship between ownership nature of production relations and superstructure are fundamental changes in character.

Ideology is the important aspect of a historic change in China since reform and opening up, its basic features are: social structural changes is the basic dynamic of general ideological change, the mainstream ideology of the positive drive for change is the change of ideology theory, public opinion of the multivariate change is an important factor of ideological change, the dispute of "value" always exists in the historical process of ideological change [5-6].

The Legal Mechanism. The use of the word "mechanism" means people depiction of has from the phenomenon of understanding into the nature. Before people awareness of things follow this thinking mode: analysis of the first things which parts, each part have what function, characteristics, as long as each part of the study clearly, the overall understanding of the things the task is completed. This kind "the whole is equal to the sum of the parts" is simple, the understanding of the machinery, isolated as static methods obviously not complete and comprehensive and accurate understanding of the things
themselves. With deepening understanding on, people realized that each component and its function, characteristic of knowing things know things is very necessary.

Democratic rule of law in all the elements of a harmonious society is suggested global role, rather than just one aspect, a part of, not only because of the harmonious society is necessarily a democratic society, the rule of law society, but only in a believed in democracy, adherence to the rule of the law society, the other elements of building a harmonious society to be able to get real implementation. All issues inevitably comes down the rule of harmonious society problem, or is closely connected with the rule of law, the law has a vital role in building a harmonious society, and therefore must rely on the law to promote the construction of a harmonious society, relying on the law to guide the development of social harmony, rely on laws to guarantee the realization of a harmonious society, the challenges of the current legal mechanism could be listed as the follows.

- Legislative unfairness and injustice, objective existence in the legislation. Sector interests and local protection still kept in the shadows of outdated legal system, the projection in today's new legal system construction of the practice activities, to poor farmers, migrant workers and laid-off unemployment personnel as the main body of the disadvantaged groups are difficult to directly participate in the legislative process, can't adequately express rights will, democratic participation became an ornament, game can be false interest subjects that is not conducive to effectively protect the legitimate rights and interests.

- Lagging legislation lag, over the years, legislation has always been a big shortcoming in the legal construction of our country, many things still using the old rules of the legal norms of the tenacious regulate the changed reality already.

- Legislation, lack of unified principle to carry out socialist legal system, some legislative chaos, different status of the legal norms conflict that the same status of legal norms conflict as law conflict, the different administrative areas on the same object of norms, deviated from other regulatory documents and rule of laws and regulations [7].

The Chinese Law Features. China's legal system is the most basic social structure that can be summarized as four words: round within the foreign party. "Foreign", refers to the legal system of external structure is rigid, not only hard, and angular, a bit like a "fortress besieged", the behavior of the system main body is difficult to access, that subject is difficult to go out in the system, the communication between them is very difficult. Between the legal system in today's world, with the expansion of the international economic and technological cooperation and exchanges between the international legal culture communication each other, no matter in the breadth and the depth in a continuously strengthen legal assimilation of this kind of situation has become more and more significant. The generation of this kind of phenomenon is not accidental, as it has profound social, economic, and political factors also have the evolution of law itself development request inevitably.

The core of the rule of law is ruling by constitution as constitutionalism is the core of political civilization, it can provide the basis of legal modernization, and good environment. Construction of constitutional government is the main content of the legal modernization and general inspection law modernization degree of basic scale, there is no constitutional, legal modernization. Isolated building and the view of law and legal positivism of the implicit confluence could then be summarized as the follows. (1) Berman believes that in the development of legal system will that often appear some revolutionary change, but the change itself should also be regarded as legal tradition development characteristics, namely part of it consciously continuity in time. Berman incorporate "revolution" in the law of "voluntary organic development" concept, even with the "revolution" model to explain the organic development of the law. (2) In the legal positivism view, law just is the rule of law, it is the rational construction of the legislators, it comes from the sovereign command or the people's will. Modern law according to its instrumental to explain the completely, that is, law is understood as a designed to carry out specific political, economic and social policies crafted tools.
The Legal System Optimization Pattern. Adhere to the people-oriented, to promote all-round development of human beings that is the essential requirement of socialism, and perfecting the legal system of socialism with the Chinese characteristics, to promote the fundamental goal of our socialist legal system construction and value pursuit with the listed countermeasures.

The legal system can be divided into macro and micro two dimensions. Through legislative work actively, at present, China's economy, politics, culture, society and so on various aspects of basic and primary support, especially that the function of law have substantially, the fundamentals is the macro orientation of legal system, as a result, the legal system of socialism with Chinese characteristics, on the whole, to meet the needs of the current economic and social development in our country [8].

Relative law system's overall framework that belong to in the field of legislation and law enforcement of the law system of fine-tuning. Because in the cross field of justice often with the help of the parties to the request of the trial of specific cases and enter society, very easy to find different factors contained in the case of commonality and different content.

Justice has also been strict rules and regulations, to provide legal vitality and freedom from arbitrary that avoid the disadvantages of making more. All in all, justice can be effective in relieving and overcome the limitations of statute law to perfect the legal system.

It is given priority to with the law that the corresponding administrative regulations, local regulations, autonomous regulations and separate regulations, shall be worked out to form a complete set, the architecture basic legal system process by legislation.

Conclusion
In this paper, we conduct research on the modern Chinese legal system optimization pattern under background of Chinese dream and transformation. With the deepening of the reform and opening up and expand, in order to meet the needs of national economic construction of rapid development, our country's legal system construction work has been more and more pay attention to adopt international common practice. Under the socialist market economic system, how to make the legal system in our country, especially in the civil and commercial legal system and the international common practice further more coordination, close to or consistent, in order to reduce the core legal obstacle foreign economic and technological exchanges, has become the focus of attention of the national legislative work. This paper proposes the novel perspective on the issues that will be meaningful. In the future research, we will conduct more in-depth analysis and research.

References
