

Study on the Characteristic Path of Legal Publicity in Ethnic Regions from the Perspective of Sociology of Law

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Keywords: Sociology of law, Legal publicity, Ethnic regions

Abstract: China is a multi-ethnic country. The exploration of the practice of national frontier characteristics of legal publicity in ethnic regions is a study of the local practice of the national macro unified rule of law propaganda strategy. From the perspective of Sociology of law, it provides a theoretical path for the top-down publicity of legal publicity in China. This paper takes the legal publicity practice with ethnic characteristics in Guangxi as the research object, to concretely analyze the national operation logic of legal publicity in ethnic regions, and then examine the path selection and practical performance of the legal publicity of ethnic characteristics, so that construct the regional practice system of legal publicity in ethnic regions.

1. Introduction

Due to the heterogeneity of “backward economic development, backward social development, complex culture and deep national tradition”, ethnic regions in China have become a weak link in the construction of rule of law. Legal publicity, as an important means to cultivate and improve citizens’ legal awareness and legal literacy, is a fundamental project for comprehensively advancing the rule of law. It is the key and difficult point of the construction of the rule of law in ethnic regions to take the legal publicity as a breakthrough to drive the society to generate a high degree of recognition of the rule of law culture. For over 30 years, the practice of law popularization in China has been characterized by a strong government policy movement, and national cultural resource is neglected, and the socialization function is weakened, making it difficult to achieve the expected effect of legal propaganda. Through the theoretical research path of Sociology of law and relying on the local resources of ethnic regions, the legal publicity should be guided from the closed system operation of the government to the socialized practice, which is conducive to the construction and development of the publicity and education mechanism of the rule of law according to local conditions. This paper takes the legal publicity mode in Guangxi minority areas as an example to carry out the research.

2. Sociological Analysis of Practical Elements of Legal Publicity

“It is only when the rules of law are at least universally recognized and observed that they create order in the community.” [1] Legal publicity aims to cultivate citizens' awareness of abiding by the law. This process includes multiple elements of legal publicity practice. How to construct the publicity mechanism of the rule of law with the interaction between the subjects, the content and the form of objectification, and improve the level of legal socialization? This is a problem that must be solved in the interactive development of the cultivation of individual law-abiding consciousness and the legal publicity in a dynamic process of legal socialization.

2.1 Two-Way Interactive Heuristic Development between the Subject and Object of Legal Publicity

The purpose of publicity and education of the rule of law is to realize the socialization of law, which means not only to realize the socialization and universalization of the construction of legal consciousness, but the social development of the main body of the rule of law publicity is also the

basis for the realization of legal socialization. However, China's law popularization is characterized by a unified planning from top to bottom, where The party committee and government are the absolute subject of legal publicity, with declining social status, so the subject and the object of legal publicity form an unequal one-way legal knowledge indoctrination relationship. Moreover, due to the neglect of the social subject, the pure government administrative law popularization has led to a shortage of human resources for law popularization.

“The key to the governance of ethnic affairs lies in absorbing the active participation of social forces, and forming a pluralistic governance structure in which the government's ethnic affairs governance institutions, social organizations and the market jointly handle ethnic affairs.”[2] By introducing social forces into the main category of the legal publicity, integrating government functional departments and social forces to carry out multiple and interactive legal publicity, realizing the interactive cooperation mode between the government and social forces in legal publicity, and improve the social vitality of legal socialization in ethnic regions. From the perspective of sociology, any form of mechanism construction must be aimed at maximizing the social effect of the interaction between subjects. One of the ways to maximize the social effect of legal publicity is that the main body of legal publicity should adopt appropriate organizational structure and methods to get the maximum identity of the publicity object in order to achieve the legal socialization effect.

2.2 Socialized Choice of Content and Form of Legal Publicity

The popularization of laws and regulations closely related to citizens' daily life is conducive to the generation and internalization of legal consciousness and concept among ethnic minorities [3]. China has formed a relatively complete legal system, so the choice of legal publicity content should be guided by the protection of rights, based on basic Laws such as the constitution, combined with the characteristics of different groups, to choose the common laws that are closely related to the norms of group behavior as the key content of publicity.

In terms of the choice of legal publicity forms, we should explore the acceptable forms of legal publicity among different groups, and build a diversified legal publicity system, accessible to life tentacles, and compatible development of traditional and new media. Different groups accept the implantation of the ideology of rule of law in familiar media, which is easier to form the identification of the specific provisions of positive law or the existing legal order.

3. The Practice of National Characteristics in Legal Publicity in Guangxi Minority Areas

“The road to the rule of law in China must focus on the use of China’s local resources and the tradition and reality of Chinese legal culture.”[4] The positioning of Guangxi’s legal publicity practice with ethnic characteristics lies in focusing on the integration of the spread of rule of law culture and the inheritance of ethnic culture, making full use of the ethnic local and traditional cultural characteristics to form unique culture of rule of law. Guangxi's practice of legal publicity with characteristics can be realized from the following aspects:

3.1 Dissemination of Legal Knowledge Relying on National Cultural Resources

3.1.1 Legal Publicity through Folk Songs

Guangxi's ethnic cultural resources are rich and colorful because of the diversity of ethnic groups. Folk song is a folk art form for many ethnic groups to express their emotions, and song fair assembly and Hydrangea have been popular in Zhuang Area. The third day of the third lunar month is a legal holiday in Guangxi, and “Folk Song Festival” has become the most grand mass event in the festival. Legal publicity by folk songs is based on legal knowledge as the content of the song, and through the form of duet singing, legal knowledge is passed between the singers, to realize the public's cognition of the law, and realize the identification of the law through the identification of national culture.

In addition to the form of entertainment, legal publicity by folk songs also integrates judicial practice to explore new models of law popularization such as folk song mediation. For example,

Yufeng District Community in Liuzhou City skillfully uses "wuweihong folk song mediation law" to resolve conflicts, integrates laws into folk songs, solves problems for residents with folk songs, and popularizes legal knowledge, which has become a law popularization brand in the whole autonomous region and even the whole country

3.1.2 Legal Publicity through “Jiangkuan”

“Jiangkuan” is a Dong culture communication activity in Sanjiang Dong Autonomous County of Guangxi. In order to maintain the internal order of the nation, a “customary law” was formulated to regulate the behavior of the people. The current culture of rule of law is integrated into the content of the agreement, and the respected village elders recite it in public. In the process of “Jiangkuan”, the easy-to-understand Dong language with rhythmic singing is used to complete oral publicity of rule of law. “Jiangkuan” has now become the most down-to-earth form of legal publicity for the Dong minority in Sanjiang.

3.1.3 Legal Publicity through National Traditional Activities

National traditional activities have national and group characteristics. The popularization of law in ethnic regions uses ethnic traditional activities as a resource platform to explore the rule of law elements in ethnic minority folk culture. On important festivals such as ethnic and folk festivals and polder days, such as the third month of the lunar year in Zhuang, Dong Folk Song Festival, etc., carry out an integrated legal publicity that is close to the masses and attract their participation, transition from “education-oriented legal publicity” to “service-oriented legal publicity”, so that shorten the distance with the object of legal publicity.

3.2 Interpreting the Spirit of the Rule of Law by Using Public Spaces with Rich National Cultural Characteristics

The construction of a public space for the rule of law with national cultural characteristics has the advantage of constructing a three-dimensional and normalized environment for the legal publicity, which avoids the transient nature of legal publicity in the form of activities and people’s sense of alienation. The “Rule of Law Culture Park”, implemented in Hongling Community in Guangxi, is combined with the unique cultural characteristics of Zhuang Nationality in Wuming County, integrating rule of law culture, national culture and community culture, to sing and perform the rule of law in the form of folk songs, and integrates the rule of law culture into the daily cultural life of the masses, so that realize the intuitive effect of legal norms, and enhance the appeal of legal publicity.

4. Construction of National Characteristic Path of Legal Publicity in Ethnic Regions

The development path of legal publicity in ethnic regions is universal and particular. Combining with the social development in ethnic regions, exploring the development characteristics of legal publicity, and constructing the development path of ethnic characteristics is of great significance to solving the development dilemma of legal publicity in ethnic regions.

4.1 Development Path That Emphasizes Both Form and Effectiveness

The publicity and education of the rule of law should follow the principle of “adhere to innovation and focus on actual results”. Combine the customs of ethnic minorities, traditional festivals and other ethnic cultural innovations to explore and practice legal publicity forms that reflect Guangxi's ethnic characteristics. The tendency of “emphasizing form” is obvious, and it has also played a good role in the legal publicity, but the administrative evaluation model that cannot be surpassed. The introduction of third-party evaluation subjects to participate in the evaluation of the effectiveness of legal publicity, and the mechanism of separating implementation and review is an inevitable choice for the development path of the form and effectiveness of legal publicity.

The actual effect of the legal publicity should be to truly improve the legal awareness and literacy of the publicity objects. Therefore, the object of the evaluation of the effectiveness of legal publicity

should be the public and the improvement of the public's actual legal awareness. Since legal consciousness is a person's internal legal psychological performance, it cannot be measured quantitatively, but only be measured through questionnaire surveys, interviews, observations, etc.

4.2 Development Path of Normalized Legal Publicity Based on Activities

In the practice of law popularization in China over the past three decades, the lack of normalization of legal publicity is precisely the system shortcomings caused by the development of the administrativeization. Legal publicity is essentially a process of socialization of legal consciousness, which should exist as a social activity. However, due to the weak social resources in China, the government needs to exist as the dominant subject, resource exporter and integrator. Under these realistic conditions, the government realizes the public service function of legal publicity by purchasing social services, which is an effective choice to solve the shortcomings of legal publicity activities. In addition to the social service exploration of legal publicity, combined with the rule of law practice, and the legal publicity and education is integrated into the legislation, law enforcement, justice, and legal services, to realize the dynamic development of legal publicity, and strengthen the normal effect of legal publicity in daily life.

4.3 Development Path of Reasonable Coexistence of Traditional Folk Thinking and Legal Thinking

The formation of traditional folk thinking is an inherent thinking habit derived from the traditional development of ethnic regions. The national customary law formed in the long-term historical development has a strong identity and social foundation. For the legal publicity in ethnic regions, this brings about the problem of how to deal with the relationship between folk traditional customary thinking and rule of law thinking. That is because the rule of law in ethnic regions cannot be completely ignored by ethnic traditional habitual thinking, the rule of law must also rely on the promotion of ethnic traditional habitual thinking.

Relying on the traditional authority of the ethnic group to assist the development of the rule of law is an important part of the promotion of the rule of law in minority areas. Local leaders really have a very important position in the restoration of the political dual track [5]. In ethnic regions, ethnic leaders also play an important role in authority governance as traditional elites. In ethnic minority areas, when many ordinary people encounter social disputes, they will be able to handle and resolve conflicts and disputes through the presence of highly respected people within the ethnic group to coordinate the two parties [6]. The local government hires the person in charge of the ethnic group as the ambassador to conduct targeted and down-to-earth law popularization among the people in the ethnic group, and meanwhile participate in mediation, to resolve conflicts and disputes based on ethics, family rules, and laws, so that make people to understand and appreciate the various norms that exist in their lives and the role of mutual development, establish a correct awareness of the rule of law, and realize the dynamic publicity effect of the rule of law.

5. Conclusion

To realize the reasonable coexistence of folk traditional thinking and legal thinking is the special content of legal publicity in ethnic regions. We must realize that changing the traditional folk thinking of the masses in ethnic regions is not accomplished overnight, but a process of respecting tradition and imperceptibly in the context of the rule of law. The construction of socialist legal culture with national characteristics, focusing on the organic integration of the dissemination of socialist legal culture and the inheritance of traditional national culture is an effective way to realize the integration of national emotion and legal emotion in the process of enhancing the appeal of legal culture.

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