

Analysis on the Promoting Effect of the Perfection of Legal System on the Development of Public Policy

Ziyan Zhu

Hunan International Economics University, Changsha, China

Abstract: *This paper aims to deeply analyze the internal relationship between the perfection of legal system and the development of public policy. By exploring the various functions of the legal system in providing the legitimacy basis for public policies, regulating the formulation process, ensuring the implementation effectiveness, and promoting the systematization, stability and fairness of public policies, the optimization effects of legal intervention on public policies at different stages are analyzed in combination with specific cases, and collaborative development strategies are proposed in view of current challenges. It is expected to reveal the core value of the legal system in the process of promoting public policy to be scientific, democratic and legalized, and provide theoretical support for the modernization of the national governance system and governance capacity.*

Keywords: The legal system; Public policy; Legality; Fairness; Coordinated development.

1. INTRODUCTION

In modern national governance, the legal system and public policy are like two wheels of a car and two wings of a bird, which jointly drive the orderly development of society. Public policy as a way of understanding political change has been defined almost as much as there are public policy issues [1].

David Easton, an American-Canadian scholar, defined public policy from the perspective of political interest distribution, arguing that "public policy is the authoritative distribution of the value of the whole society" [2]. According to Wood Wilson [3], public policy is laws and regulations made by politicians, i.e. those with legislative power, and enforced by executives. Harold Lasswell, the founder of Policy Science, described public policy as "a large program with goals, values, and strategies." Chinese scholar Zhang Jinma believes that policies are codes of conduct and administrative guidelines adopted by the ruling party and the government to regulate and guide relevant groups and individuals [5]. According to Ng, public policy is the guidance of public and private actions taken by the government [6]. Ning SAO put forward that "public policy is a plan chosen and formulated by the public authority through the political process to solve public problems, achieve public goals, and realize public interests" [7]. Chen Qingyun emphasized that public policy is a behavior rule formulated by the government in the process of selecting, synthesizing, distributing and implementing social public interests according to the goals of a specific period [8]. Zhang Guoqing believes that public policy is a code of conduct formulated and implemented by the subject of public power to determine and adjust a wide range of social relations [9].

The legal system builds the basic framework of social operation with its authority and stability, and public policies respond to complex and changing social needs with flexibility and pertinence. With the increasing progress of society, the relationship between the two becomes increasingly close, and the continuous improvement of the legal system is becoming a key driving force for the sustainable development of public policies. In-depth exploration of this promoting role is of great practical significance for improving the efficiency of national governance and ensuring social fairness and justice.

2. THE LEGAL SYSTEM PROVIDES THE BASIS OF LEGITIMACY FOR PUBLIC POLICY

2.1 Fundamental Protection at the Constitutional Level

The Constitution, as the fundamental law of the country, establishes the source and ownership of public power and delimits the boundary for the formulation of public policy. All public policies must conform to the basic value orientation of democracy, rule of law and human rights contained in the Constitution, and must not contradict the

provisions and spirit of the Constitution. For example, in the formulation of public policies concerning the basic rights of citizens such as the right to equality and the right to freedom of speech, policymakers should always take the Constitution as a guide to ensure that policy measures will not unduly restrict or deprive citizens of constitutional rights, which fundamentally guarantees the constitutionality and legitimacy of public policies and enables them to gain widespread recognition and support from the public in the process of implementation.

2.2 Specific Support of Laws and Regulations

Departmental laws and regulations have refined constitutional principles and provided a direct legal basis for public policies in specific fields. In the field of environmental protection, a series of environmental laws and regulations, such as the Environmental Protection Law and the Air Pollution Prevention and Control Law, have not only clarified the objectives, responsibility subjects and regulatory mechanisms of pollution prevention and control, but also prompted the government to introduce supporting public policies, such as the shutdown and transfer policy of highly polluting enterprises, and the promotion and subsidy policy of new energy vehicles. These policies have been legalized by the specific provisions of the law, which has played a key role in improving environmental quality and promoting green development, and also enhanced the confidence and effectiveness of implementation because of the law.

3. LAWS REGULATE THE PROCESS OF MAKING PUBLIC POLICIES

3.1 Compliance with Procedural Justice

The law strictly stipulates the procedures to be followed in the formulation of public policies, and there are corresponding statutory requirements for each link, from the raising of problems, research and argumentation to the formulation, deliberation and adoption of programs. Take the enactment of laws by the legislature as an example, it needs to go through extensive procedures such as soliciting public opinions, expert argumentation, multiple deliberation and voting to ensure that the bills fully reflect the interests of all parties and are scientific and feasible. Similarly, when formulating public policies, administrative organs also need to conduct public consultation and hearings in accordance with the Regulations on the Procedure for Formulating Administrative Regulations and the Regulations on the Procedure for Formulating Regulations, etc., so as to allow the public to participate in the policy formulation process, avoid policies becoming the "private tool" of minority interest groups, ensure the procedural justice of policy formulation, and improve the quality of policies.

3.2 Consideration of Interest Balance

Public policy making under the legal framework pays attention to the coordination and balance of diverse interests. In the formulation of urban planning policies, it involves the interests of developers, aborigines, commercial interest groups and so on. Relevant laws require policy makers to use cost-benefit analysis, benefit compensation mechanisms and other means to ensure that when promoting urban construction projects, urban development goals are achieved, while protecting the legitimate rights and interests of vulnerable groups such as indigenous people, such as reasonable relocation compensation policies, and fair and full compensation for relocated people in accordance with the land management law, property law and other legal norms. We will ensure that the interests of all parties are properly balanced in the implementation of policies and maintain social harmony and stability.

4. LAW EMPOWERMENT: A KEY FORCE FOR THE MULTIDIMENSIONAL ADVANCEMENT OF PUBLIC POLICY

4.1 The Law Guarantees the Effective Implementation of Public Policies

The law gives the public policy enforcement force, when the implementation of the policy encountered resistance, law enforcement departments can take compulsory measures according to law. In the implementation of tax collection and administration policies, for enterprises that evade taxes, tax authorities have the right to impose fines, recover taxes and even investigate criminal responsibility in accordance with the Law on the Administration of Tax Collection and other laws and regulations, so as to force enterprises to fulfill their tax obligations, ensure the effective implementation of tax policies, maintain the stability of national fiscal revenue, and guarantee the funds needed to supply public services. We will ensure that policy implementation is not merely a formality and truly takes root.

A sound legal supervision system "shadowing" the whole process of public policy implementation to prevent abuse of power and deviation in implementation. The Administrative Procedure Law provides legal channels for citizens and legal persons to appeal against illegal administrative acts (including acts that violate the requirements of public policy implementation), and judicial organs can review the legality of policy implementation according to law. The Supervision Law has strengthened supervision over public officials' performance of their duties in the implementation of policies, and seriously held them accountable for their dereliction of duty and their overtly dishonest behavior. For example, in the implementation of poverty alleviation policies, if there are problems such as interception of poverty alleviation funds and false reporting of poverty alleviation results, the relevant responsible persons will be severely punished in accordance with Party discipline and national laws, to ensure that poverty alleviation policies accurately benefit the poor people, and to enhance the credibility of policy implementation.

4.2 Law Promotes the Systematicness and Stability of Public Policy

The system of legal system guides public policy to build an organic whole. Laws at different levels and in different fields are interrelated, which makes public policies cover economic, social, cultural and other aspects horizontally, and form a coordinated policy system from the central government to the local government vertically. In the field of education, from the national education Basic Law to local education supporting laws and regulations, a series of policies from macro education strategic planning policies to micro school management, teacher treatment and other policies have been introduced, and policies at all levels have been linked and organically coordinated to jointly serve the goal of improving national quality and promoting educational equity, avoiding policy fragmentation and conflict, and enhancing policy synergy.

The relative stability of law creates a stable environment for public policy. Compared with the flexibility of policies, changes in laws need to follow strict legal procedures, which makes public policies based on laws difficult to change from time to time. Taking monetary policy as an example, the central bank should make monetary policy in accordance with the Law of the People's Bank of China and other legal norms. Under the long-term goal of maintaining monetary stability and promoting economic growth, the central bank should carefully adjust the policy tools such as interest rate and reserve ratio, and will not make large changes to the policy due to short-term economic fluctuations, so as to stabilize the expectations of market players and facilitate the decision making of enterprises' investment and residents' consumption. Ensure the smooth operation of the macro economy.

4.3 Law Helps the Fairness of Public Policies Manifest

The principle of equal protection enshrined in the law permeates public policy. In the field of employment policy, the Labor Law, the Employment Promotion Law and other laws prohibit employment discrimination, whether it is gender, race, religious belief or household registration, etc., should not be a reason for discrimination in the recruitment of enterprises and the implementation of government policies to promote employment. The recruitment policies of civil servants and public institutions adopted by all localities follow the principle of equality, select talents fairly for the society, ensure equal opportunities for citizens to compete for employment, promote rational allocation of human resources, and promote social fairness and upward mobility.

It is an important task of public policy to ensure the fair distribution of public resources according to law. In terms of the allocation of medical and health resources, based on the Basic Medical and Health Promotion Law, the government has formulated policies that favor rural and remote areas, increase investment in building community-level medical and health institutions, train community-level medical professionals, narrow the gap in medical services between urban and rural areas and between regions, ensure that all citizens have equal access to basic medical services, and alleviate the problem of poverty due to illness and return to poverty. Realize the justice of medical resource allocation, and let public policy become the "regulator" of social equity.

5. CHALLENGES FACED AND COPING STRATEGIES

5.1 Challenges

With the rapid development of society and the emergence of new problems and demands, legal amendments often need to follow strict procedures, and it is difficult to keep up with the pace in a timely manner. As a result, some public policies lack the clear support of existing laws when dealing with emerging issues, and fall into a legitimacy

dilemma. For example, in the early days of the rise of the sharing economy, the regulatory policies of new business forms such as online car booking and shared bicycles are faced with an embarrassing situation without direct applicable laws, and the policy scales are different across the country, causing market chaos and controversy.

There are conflicts or poor connection between laws at different levels and departments, which makes public policies at a loss when they are formulated and implemented. In basin water resources management, the basin management law and local water regulations are not clear about the rights of water resources development and utilization, which makes it difficult to unify and coordinate cross-regional water resources allocation policies, and hinders the overall effectiveness of basin management.

Some people have weak legal awareness and insufficient understanding of the legal basis of public policies, and are prone to conflict in the process of policy implementation, and even take irrational behaviors to hinder the implementation of policies. For example, when some cities implement garbage classification policies, some residents do not cooperate with classification requirements because they do not understand relevant environmental laws and regulations, which increases the difficulty of policy implementation.

5.2 Coping Strategies

Set up a rapid response legal research group, pay close attention to the forefront of social development, when new problems arise and existing laws blank, start the legislative research process in time, at the same time allow policies to be tested first, summarize experience on the basis of pilot feedback to the legislative link, accelerate the process of legal improvement, and ensure that the basis of policy legitimacy is followed up in a timely manner. For emerging technology fields such as artificial intelligence, temporary policies should first be introduced to regulate the development and research on law formulation should be carried out simultaneously.

The legislature takes the lead, coordinates various departments to sort out conflicts and contradictions of laws, optimizes the legal structure by means of revision, repeal and interpretation, and strengthens the connection between upper and lower laws, general and special laws, so as to provide clear and unified legal guidance for the formulation and implementation of public policies and ensure policy coordination.

Laws and regulations closely related to public policies will be included in the key contents of nationwide law popularization, innovative forms of law popularization, and the use of new media, community publicity, school education and other channels to improve the public's awareness of legal knowledge, understanding and application ability, enhance the public's recognition of the connotation of the rule of law in public policies, create a good policy environment for the rule of law, and help the smooth implementation of policies. 4. Law empowerment: a key force for the multidimensional advancement of public policy

6. CONCLUSION

The legal system is closely linked with public policy, and the improvement of the law injects a strong impetus into the development of public policy and profoundly affects the trend of society.

Law underpins the legitimacy of public policy. The Constitution establishes the boundaries of value and power, and the laws of various departments provide detailed support, such as scientific and technological innovation policies to promote innovation under the protection of intellectual property law. When formulating policies, laws are guided by procedural justice to ensure that public opinion is absorbed and wisdom is gathered, and elderly care service policies are formulated in accordance with procedures to accurately respond to needs. The implementation process, the enforcement force of the law and the supervision and accountability mechanism ensure the implementation of the policy. Strict law enforcement in market supervision, finance and other areas, and the implementation of affordable housing policies is supervised to eliminate injustice and maintain public credibility. The law promotes the systematic construction of policies, guides the coordination of policies at different levels and areas, and the land policy ensures the stability of the market in accordance with the stable laws and regulations. At the same time, the law protects fairness, education, urban and rural infrastructure policies implement equality and resource allocation justice. However, the synergy of the two faces challenges, the contradiction between law lag and policy timeliness is prominent, and the policy in emerging areas often lacks legal basis; Internal conflicts in the legal system make policy confused; The uneven legal literacy of the public hinders the implementation of policies. To this end, it is necessary to establish a dynamic coordination mechanism, exchange legislation and policy practice, and advance in the face of new problems; Strengthen legal integration and clearing to eliminate conflicts;

We will strengthen public awareness of the law and improve the public's legal literacy.

Looking forward to the future, law and public policy will be deeply integrated, driving the modernization of national governance to the other side of fairness, justice and sustainable development.

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