

Research on the transformation and coping strategy of the rule of law at the grass-roots level under the digital ecology

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Abstract

In today's world, digital economy and digital technology are emerging globally, and digital development also provides a unique digital ecology for building the socialist rule of law in China. In the process of constructing a rule of law in China, the grass-roots level belongs to the basic link, and the level of the construction of the rule of law at the grass-roots level plays a vital role in the construction of socialist rule of law. Based on the theoretical core of digital rule of law[1], this paper explores the existing problems of theoretical core of the rule of law in digital.

Keywords

Digital rule of law, The rule of law at the grass-roots level, The response strategy, Transformational research.

1. Introduction

Developing the socialist grass-roots rule of law construction and building a socialist country ruled by law is an important goal of socialism with Chinese characteristics in the new era, and also an inevitable requirement for building a harmonious society in the digital age. Today's world is in the midst of a century of unprecedented changes, the new ecological governance of the country has been remodeled by digital technology. As the basic link of the construction of the rule of law, the progress of the rule of law at the grass-roots level also needs to be closely linked with the innovation and development of science and technology. As the product of the deep integration of science and technology and the construction of the rule of law, "digital rule of law" is also the inevitable result of the national governance entering the digital age, and integrating the digital rule of law into the rule of law at the grass-roots level can promote the process of socialist rule of law.

2. The theoretical core of the rule of law in digital

2.1. The field of private law

In the field of private law, the current protection of digital private law still has corresponding defects. On the one hand, the current protection of personal information is still carried out with strict control concept, all people enjoy absolute dominance over personal information and data, but in reality, data cannot exist without circulation, only circulation can show the contemporary value and essential properties of data, so the strong protection of personal information is bound to cause a certain blow to the free flow of data. On the other hand, for the actual protection measures, because of the diversity and complexity of digital ecology, it is difficult to carry out the infinite protection of different rights and obligations in the field of private law[2], if the

comprehensive implementation, its system design needs to waste huge costs, so in reality can only be limited implementation, and private relief often cannot achieve the best protection effect.

2.2. The field of public law

Not only is it in the realm of private law that all individuals are in circulation, but data information in digital ecology also has public law attributes. From the actual point of view of circulation, data information in the whole society continuous circulation, flow, although the private link tends to be common, but the continuous flow of information in the whole society results in the flow of data information tend to disorder, some data information will flow to the government, public organizations, consumers, platforms, information intermediaries and other different information controllers, and continuous circulation, so the exclusive, possessive control in the field of private law alone obviously cannot really effective use of data, On the contrary, it will have the result of restricting and hindering the circulation of data information. Therefore, the use of data information cannot be used absolutely exclusive, exclusive measures, for data information with the nature of public law, social, only according to the traditional strict protection and restriction theory set in the current digital ecological environment, it is obviously inappropriate.

In today's digital ecology, data information has become an important social wealth, once due to security risks, resulting in a large number of personal information leakage, and is used for illegal purposes, also has a certain danger to society. Therefore, data information also needs the use of public law for rational allocation.

At the same time, the government as a big information controller, on the one hand, the government in order to protect the implementation of public power, provide corresponding public services, is bound to collect a large amount of data information, on the other hand, the government in the process of reasonable control of a large number of information, should also be subject to certain restrictions to ensure the proper operation of power. In addition, from the perspective of the overall economic and social development, digital technology should be used by the government, establish an efficient and fair digital government, enhance the capacity of digital economic governance, and promote the construction of the rule of law, which is the blueprint for the future of digital rule of law.

3. The problems in the construction of digital rule of law at the grass-roots level

3.1. Digital awareness of the rule of law is lacking

First of all, the digital awareness of the rule of law needs to be strengthened. With the advancement of digital justice, people have gradually formed a digital sense of the rule of law, innovative forms of digital rule of law are also emerging, but whether it is the construction of case support system, or handheld mediation software, in the field of justice, people have not yet fully formed a sense of the rule of law, in decision-making, still rely more on experience and inertial thinking, cannot skillfully use the collected data, information sharing there is a gap, which shows that the digital rule of law work has not touched the depths, In the future construction, we need to construct digital consciousness from thinking and mode, and further exert the value of digitalization.

3.2. Data-based tools are in urgent need of improvement

Second, the means of dataization also need to be perfected. Because the consciousness of digital rule of law is not fully formed, the relevant application means also exist fault, at present, digital application in the judicial work to play more auxiliary role, did not form a complete service

system, and the people's connection is not close enough, is still in the promotion stage, while the judicial data Pondo, involving many areas, but the specific classification of data is not completely clear, resulting in data mixed, and thus cannot carry out data application, which also hinders the construction of digital rule of law to a certain extent.

3.3. Lack of system construction and security

At the same time, it should be noted that the system is the guarantee of the rule of law work, but the relevant system of digital rule of law is not perfect, there are few documents related to it, and even there are unscientific, all-blank situation, if there is no system constraints, the construction of digital rule of law work will not have a good guarantee, there is no standardized system and application model, the long-term development of digital rule of law also has problems. In addition, there are few institutional norms for digital information, information collation and application, and the value of data cannot be realized, and further technological innovation cannot be realized.

4. On the response strategy of the transition of the rule of law at the grass-roots level

4.1. Raise awareness of the rule of law in digital

The Fourth Plenary Session of the 19th Central Committee of the Communist Party of China made a strategic deployment to digital China[3], pay attention to the construction of digital China, intelligent justice, because digital justice is the guarantee of national development, but also in accordance with the law, the administration of government for the people's inevitable requirements, but also in the information, modernization of society, in the context of science and technology[4], judicial work to enhance digital capacity, to create a digital ecology, it is necessary to apply big data, cloud computing, the Internet and other means to improve combat effectiveness, but also to ease the pressure of the grass-roots rule of law work. Improve productivity and quality of work.

On this basis, to establish a correct ideological position, improve digital awareness, to pay attention to the role of data, mining the value of data, so that experience-based thinking mode to data-based thinking mode, in the new era, experience and intuition as the main means of decision-making has not adapted to the needs of the times, only the management model into a data and information-based economic management model, in order to keep pace with the times, the mind, only to enhance the awareness of digital rule of law, can actively learn more technology. Innovate and perfect management mode, so as to improve the scientific nature of decision-making, from the thinking and management mode to achieve digital transformation.

4.2. Take advantage of data quality and bring value to your data

The basis of digital rule of law is all kinds of data information, reasonable use of data, more mining data information, in order to play the value of data, for the rule of law work to provide a good help. To do this, we should first grasp the source of the data, from the source to ensure the authenticity and reliability of the data, standardize its source channels, screening and sorting the data, comprehensively strengthen the quality;

At the same time, we should also do information sharing and data application, first, we should form organic links between various organs and judicial subjects, coordinate and unify, realize data sharing, can do a good job of docking, ensure the timeliness of data, on the other hand, we can play the function of data prediction and evaluation, promote the integration of digital and judicial, from these two aspects to play the beauty and power of digital rule of law, improve the scientific and authoritative work of the rule of law.

4.3. Improve the relevant system, adhere to the standard norms

The implementation of digital rule of law cannot be separated from the protection of the system, only to improve the relevant system, digital rule of law can go further and longer. First of all, in the data acquisition, to establish a unified standard specification, according to the principle of data processing, combined with the actual situation to develop relevant standards; And to protect the privacy of the relevant public, if necessary, can recommend laws and regulations. For the new problems that arise in the process of dealing with them, we should also solve them in a timely manner, improve the digital rule of law ability in the process of finding and solving problems, and truly optimize the work of the rule of law at the grass-roots level and enhance the well-being of the people.

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References

- [1] Qian Hongdao, Wang Zhaoxia, et al. Transforming the Evaluation of the Rule of Law in China. *Social Sciences in China*. Vol. 38(2017) No. 1, p. 85-105.
- [2] Michael A. Jones, et al. Recent cases. *Journal of Social Welfare and Family Law*. Vol. 7(1985) No. 6, p. 363-375.
- [3] Li Ling, Zheng Jiafu, Yu Zeyuan, et al. *Reform and Development of Educational System: History, Issues and Policy*. Springer. 2018, p. 67-69
- [4] Ramesh Subramanian, Bruce White, et al. Teaching IS to the Information Society using an "Informing Science" Perspective. *intelligent justice*". *Informing Science: The International Journal of an Emerging Transdiscipline (InformingSci)*. Vol. 15(2012) No. 8, p. 147-182.