

Special features of the constitution of china essay sample

Law



he constitution of The People's Republic of China which, as said before, contains 138 articles distributed in four chapters, is a written document that despite the fact that is not one of the longest constitutions, it stipulates the basic principles of the Chinese country's political and social systems, and it occupy a position of supreme legal and respected authority. In order to deal with this document we have to understand its special features that correspond with the necessity of the construction of a modern socialist China. Among all this articles, there are some of them that stand out due to their peculiarity and uniqueness, only found in this exemplary constitution. Most of them are related to the culture, traditions and system of China, what allow us to have knowledge of this incredible civilization with such a long history. Starting with the first chapter of the constitution, in which the general principles are reflected, it is important to highlight the Article 4. All nationalities in the People's Republic of China are equal. This article can be considered very special as it recognizes the equality of all the minority nationalities of the huge country, which are distributed all over the Chinese territory, as well as their autonomy and protection.

This fact is very important because not all the countries allow the coexistence of many groups of nationalities and help them to improve their situation as China does, as well as protect their culture and language and recognizing them part of the People's Republic of China. In this article it is said that " Discrimination against and oppression of any nationality are prohibited", " The people of all nationalities have the freedom to use and develop their own spoken and written languages, and to preserve or reform their own ways and customs." In addition to this, the Article 36: Citizens of

the People's Republic of China enjoy freedom of religious belief; this means that the state enable the population of China to choose and to exercise their own religion as it is said, but “ No one may make use of religion to engage in activities that disrupt public order, impair the health of citizens or interfere with the educational system of the state.” After recognizing the equality of these minorities and the freedom of every citizen to join any religion and to practice it, Chinese Constitution arrange in the Article 122: “ The state gives financial, material and technical assistance to the minority nationalities to accelerate their economic and cultural development.”

Hence, it is compulsory for the state of China to ensure the development of these minorities within the country, so it cannot be oppressive with these nationalities. It is crucial to talk about the Article 5: The People's Republic of China governs the country according to law and makes it a socialist country ruled by law, in which it is recognize that Constitution is the highest authority in the country, an assumption that allows us to understand the kind of political system that rules the country, establishing the idea of respecting the rule of law, because, as said in the article, “ All state organs, the armed forces, all political parties and public organizations and all enterprises and institutions must abide by the Constitution and the law” and “ No organization or individual is privileged to be beyond the Constitution or the law.” As we know, Chinese Constitution establish a socialist economic system, where the means of work and production is owned by the working people of People's Republic of China, in the Article 6 it is prohibited the “ the system of exploitation of man by man”, applying the principle of from each according to his ability, to each according to his work. However, the Article <https://assignbuster.com/special-features-of-the-constitution-of-china-essay-sample/>

12 is very peculiar as well, as it says: “ Socialist public property is sacred and inviolable.”

The Constitution obligate the population to respect the common property, as it is our own property shared with the rest of the citizens. China has always been well-known by its traditions, special and unique culture, Confucianism, religions, history and so on. That is why in the Article 21, we find the interesting fact that the Chinese state has to promote and develop “ modern medicine and traditional Chinese medicine”. In addition, the Article 22 bases the duty of the state to “ The state protects sites of scenic and historical interest, valuable cultural monuments and relics and other significant items of China’s historical and cultural heritage.” The Article 23. “ The state trains specialized personnel in all fields who serve socialism, increases the number of intellectuals and creates conditions to give full scope to their role in socialist modernization” and the Article 24 “ The state strengthens the building of socialist spiritual civilization through spreading education[...]The state advocates the civic virtues of love for the motherland [...] it educates the people in patriotism, collectivism, internationalism and communism and in dialectical and historical materialism it combats the decadent ideas of capitalism and feudalism and other decadent ideas.”

Therefore, it is important to highlight the state’s duty to protect the integrity of the socialist system against any other contrary enemy system that can harm the stability of the country with other ideas and practices that would only bring destabilization to the country. Traditions, culture, history and old practices of China are protected in order to maintain the special personality

of the Chinese population, as well as the promotion of the love to the Chinese land to ensure the future of the country in the strong bases in which it was built, to safeguard the unity of the country, security and honour of the motherland. This point is very special because the promotion of the patriotism and admiration to the motherland is one of the best ways to reach a perfect political, economic and social situation for the population, along with the performance of the military service. These points have to be respected and carried out by every citizen and state. One characteristic that call the attention of the reader of the Constitution is found in the Article 25. In these article of the first chapter is explained that “ The state promotes family planning so that population growth may fit the plans for economic and social development”.

The family planning policy of China is one of the best policies created for the Constitution that has allowed the country to control the high rate of growth of Chinese population. This policy has also permitted the country to reduce the damage produce to the environment, and alleviate the economic and social problems; otherwise the growing population of China would have brought many economic and social complications to the world. Therefore, there was no better policy that could have been taking to reduce the impact of the growth of the population of the Republic of China. It is interesting to stand out that the Constitution of China is respectful and solidary with foreigners. In the Article 32: The People’s Republic of China protects the lawful rights and interests of foreigners within Chinese territory, in which is stressed the protection of foreigners in China and their obligation to abide

the laws and norms of the country, it also mention the possibility of “ grant asylum to foreigners who request it for political reasons.”

Among the rights and duties of the citizens we find the special Article 38: The personal dignity of citizens of the People’s Republic of China is inviolable. Insult, libel, false charge or frame-up directed against citizens by any means is prohibited. The Constitution does not allow the citizens to insult others in order to respect the integrity and dignity of the population. This is a feature that is not found in every constitution; therefore it makes it more distinctive than others. The women are usually not respected or even mentioned in the Constitution and norms of many countries of the world. It is not the case of People’s Republic of China Constitution. Within this equality, we find in the Article 49: Marriage, the family and mother and child are protected by the state, the protection ensure by the state of the family. In Confucianism the elder people, woman and child are said to be protected and respected no matter what.

Therefore, the Constitution of China following the Confucianism ideas, in the article 49 also establish that “ Maltreatment of old people, women and children is prohibited” and that in order to protect the integrity of the family “ Parents have the duty to rear and educate their children who are minors, and children who have come of age have the duty to support and assist their parents.”, so that elders and the youth is always under the protection of their family. One of the most unusual and special article of the exemplary Constitution of the People’s Republic of China is the Article 41. Citizens of the People’s Republic of China have the right to criticize and make suggestions

to any state organ or functionary. It is very interesting, because, as we know, China is a country in which the will of working population is the one which has to be carried out by the government and in the case that citizens find out that some task or norm is not accomplish or respected, they “ have the right to make to relevant state organs complaints and charges against, or exposures of, violation of the law or dereliction of duty by any state organ or functionary” and also, if the citizens interests were damaged by this actions, in the article is said that “ Citizens who have suffered losses through infringement of their civil rights by any state organ or functionary have the right to compensation in accordance with the law.”

The people of the Republic of China have their rights such as the freedom of religion, assembly, press and speech among others. However, those rights have to be exercise in the correct way, so none of the citizens may infringe any article of the Constitution or act against the rights and freedom of other Chinese citizens, or even worse, against the interest of the state. As said in the Article 51: “ The exercise by citizens of the People’s Republic of China of their freedoms and rights may not infringe upon the interests of the state, of society and of the collective.” It is important to remind to the citizens that, despite the fact that they have and can exercise their rights of individuals; they cannot make unstable the collective integration. State’s interests must be respected. Also, rights are not heaven-given; they are regulated and given by the state and by law, so as state give those rights, individuals of the collective must avoid distortion of the interests of the state. When it comes to political issues, the People’s Republic of China Constitution is very clear, but it has some aspects that make it more special.

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The Article 79: “ The President and Vice-President of the People’s Republic of China are elected by the National People’s Congress.” set up that those citizens that have the right to vote and have the capacity to stand for election when they are 45, can be elected as President or Vice-President of China by the National People’s Congress, but they can not serve more than two terms. Moreover, it is interesting to stand out the existence of the procuratorates in the government of China, as explained in the Article 129: “ The people’s procuratorates of the People’s Republic of China are state organs for legal supervision.” But what do they do? They exercise their procuratorate’s authority over cases endangering state and public security, damaging economic order and infringing citizens’ personal and democratic rights, and other important criminal cases. They exercise their own authority according to law, independent of interference from any administrative organ, civic organization or individual.

It is undoubtable that the People’s Republic of China Constitution has a lot of very special features that make it one of the most accurate constitutions to be applied to a specific territory as China. Although it is a brief constitution, it lays down in sufficient details, and all this unique characteristics along with the rest of the articles create a flexible supreme law, in which rights and duties are reflected as well as the main political, economic and social policies of the working class that are carried out by a democratic centralist government in a inviolable socialist system, perfectly structured to remain intact for the future generations of China.