

## Discussion on the Methods of Protecting the Overall Interests of Society by Economic Law

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**Abstract:** The overall interests of society are related to the development of human being, and ruling the country according to law is one of the basic principles of China. So, the overall interests of society need to be safeguarded by law. However, different laws have different functions in the legal system, so different laws have different ways to protect the overall interests of society. Economic law is a kind of law that regulates the national economy and adjusts the development of the market. It plays an important role in the protection of the overall social interests. This paper analyzes the specific methods of the economic law to protect the overall social interests.

The development of economic law in China has gone through more than 30 years. Although there are many sects and detailed arguments in the process of the development, the consensus on the subject has been formed. As an important legal system for pursuing the overall interests of the society and keeping the economic balance of China, economic law, which follows the Constitution of China, has been included in the socialist legal system with Chinese characteristics for a long time, it is very important to the construction and improvement of the socialist economic market with Chinese characteristics. Under the background of the rapid economic development of China, in order to ensure the stability of social and economic, it is naturally to put forward higher requirements for economic law. On one hand, we are thinking about the role of economic law in stabilizing the economy, on the other hand, we should also think about the methods of economic law on protecting the overall social interests, so that the economic law under the leadership of the Constitution could make great contributions to the development of socialist modernization.

### 1. The cognitive basis of economic law for the protection of the overall interests of society

Society is a concept of contradiction, interest, conflict and relativity, which is composed of multiple systems and complex sub-items. Ruling the country according to law is the basic policy of China, and the stability of the country needs the regulation and supervision of the law. Therefore, the law has become the regulation system of adjusting the social interest and relationship, and the various interest relations in the society need to be balanced and regulated. From the concept point of view, "social overall interests" has not formed a unified and generally accepted definition at present, especially in the concepts of national interest, personal interest and other concepts have different understanding. After summing up a large number of documents, experts' definitions and personal opinions, the author thinks that the overall interests of society are to meet the needs of various social economic organizations, other organizations and individuals for the purpose of survival and development. Therefore, the interests of the whole society are a necessary element of social development, which are supported and protected by the law. But by the different functions of different legal systems, different laws have different ways of protecting the overall interests of society.

From the jurisprudence point of view, civil law belongs to "private law" to protect the life, property and legitimate rights and interests of citizens, while other laws are based on the public, in order to protect the public rights and realize the interests of the individual. However, different interest subjects have different interest forms, so the legal interest structure in our law is more complex, which directly leads to a lot of uncertain factors in the process of distinguishing individual interests and social interests. But in practice, no matter what kind of laws, they all play the role of

protecting the social interests, reflect the pertinence and difference of our legal system by different categories of law, and fulfill the overall interests of the society by the subdivision and specialization of law. Therefore, it is necessary and important to take the Constitution as the principle, and then, to promote the development of civil and commercial law, administrative law, social law, economic law, criminal law and other legal departments, so as to form an systematic whole and realize the protection of the overall interests of society.

## **2. Methods of protecting the overall interests of society by economic law**

### **2.1 The legal characteristics of economic law can overcome market failure**

The stability of market is closely related to resource allocation and economic development, among which resource allocation is the base of ensuring market stability under the background of market development, but market behavior has the features of short sight and emphasizing on self-interest, and these improper behaviors can lead to market failure. The market mechanism can not play its due role effectively, the market is the carrier of social interests, and the market failure will seriously affect the overall interests of society. For example, market failure can influence the balance of economic structure and market economy, and can also cause the shortage of public, economic and security products. Ultimately, it can influence the overall interests of society.

The economic law can effectively control the market failure. In any market of any times, the problems and manifestations of the market failure exist objectively. The economic law, which can be seen as the representative of the overall interests of the society, can intervene in the market economy, so as to give full play to the function of market resource allocation, and finally make up for market failure. By the economic law, the intervention behavior has the basis of legitimacy, the specific behavior of various interventions has clear explanation and request, so it can effectively overcome the market failure, safeguard the overall interests of society.

### **2.2 The legal interest structure of economic law expresses the overall interests of society**

Legal interests refer to the actual interests protected and realized by law. All the legal systems and the legal contents of China have jointly realized the protection of citizens, legal persons, national interests and social interests, and have realized the comprehensive and differential protection and supervision from different starting points, different angles and different forms. From the point of view of economic law, the structure of legal interests of economic law is the overall interests of society, although it does not have the sole objective of pursuing the interests of the whole society, it does take the interests of the whole society as the most fundamental point and starting point. The core of economic law is to realize a fair, just and free economic order, which is highly consistent with the core of social interests. The main part of the legal interest structure of economic law includes natural persons, legal persons, enterprises and economic activities in society. The core of its goal is not the “collectivity” of the whole society, but the “individual” in the society. But in practice, the whole of society is made up of individuals, and the individuals of society represent the whole of society. To regulate individual behavior is actually to regulate the behavior of the whole society. In fact, to safeguard individual interests is to safeguard the interests of the whole. Therefore, it can be explained that the legal interest structure of economic law expresses the overall interests of society.

### **2.3 The guiding function of economic law can safeguard the overall interests of society**

The modern economic law of China originates from the market economy, it formulates the rules and regulations according to the market changes and the forms, conversely, by the economic law, and we can also adjust and guide the change of the market economy. Therefore, it can be said that the economic law and the market economy has a kind of interactive relationship, we can combine the development of the market economy to perfect the economic law, we also can combine the economic law to guide the market economy. This mutual relationship determines the guiding function of economic law to the market. From the point of view of the existing contents of interest,

different legal content guides different interest relations and interest subjects. From the point of view of the existing interest content, different legal contents lead to different interest relations and interest subjects. We compare the national interests with the overall interests of society; there are essential differences between these two kinds of interest relations. The interests of the state are expressed by government agencies, and the interests of society as a whole are expressed by the social institutions of the government and other non-governmental organizations, so, in order to reconcile the differences between the interests of the state and those of society, it is necessary to guide the similarities and differences through of the two kinds of interests by means of the economic law, to reduce the loss of the overall interests of the society that caused by the national interests, and safeguard the overall interests of the society by the guiding function of the economic law.

### **3. The methods of improving the protective function of economic law for the overall interests of society**

As mentioned above, economic law is derived from the market economy and its focus is also on the overall interests of society. However, as the development of society, the demands of the market economy and the overall interests of society are also greatly changed, so, it is necessary to consider the ways of improving the overall interests of the society by the economic law, so as to ensure the sustained realization of the role of economic law in the protection of the whole social interests.

#### **3.1 Deepening the legislative system**

Deepening the legislative system can ensure that we can give full play to the role of economic law, take economic law as the main means of regulating and controlling the market under the background of the constant development of the market economy in China, standardize the behavior of economic subjects in the market, and constantly draw up the contents and standards of economic intervention, so as to avoid the behavior that the government to harm the interests of the whole society for protecting the interests of the government in the process of market intervention.

The perfection of the legislative system of economic law needs to be carried out under the background of the society; moreover, it is necessary to constantly deepen the legislative content of economic law according to the overall circumstance of the modern society. At the same time, the state also needs to regulate the right of the government to intervene in the market competition by the form of law, and to prevent the situation of excessive intervention, so as to effectively safeguard the interests of the whole society in accord with the economic law.

#### **3.2 Perfecting the law enforcement system**

The perfect law enforcement system can ensure the good realization of the significance of the economic law to the whole social interests, and it can also ensure that the economic law can restrict the economic activities and make sure the activities run better. Therefore, we should actively improve the enforcement protection mechanism of economic law, ensure that economic law can be effectively implemented in various economic activities; and then, so as to protect the overall interests of the society by the best use of economic law. In the process of practical operation, although the overall social interest is a whole concept, due to the special geographical and humanistic circumstance of China, there is a certain gap between different regions in economic development and market conditions. If we cannot face this gap correctly, the overall interests of the society will be impossible to talk about. Therefore, in the process of enforcement of economic law, we need to face such social differences and choose different law enforcement systems, so that the economic law can develop in harmony with different economic circumstances of different areas. What's more, we also need to improve other legal enforcement institutions and the supporting laws of the economic law system, such as fiscal and taxation laws, industrial laws, and so on, so as to constantly enhance the enforcement of economic law, and to ensure the effective realization of protecting the overall interests of society by economic law.

### 3.3 Strengthening the judicial system

The judicial system can guarantee the effective operation of economic law, which is an important guarantee to safeguard the macroscopic goal of the whole social interests. At present, the social economic contradictions and class contradictions are highlighted; these contradictions have become an important factor affecting the progress of the overall interests of society. Therefore, a sound judicial system is needed to ensure the operation of economic law. The first is litigation mechanism, it is necessary to perfect the litigation mechanism of representing the whole social interests, and to help citizens and social organizations to adjust the economic problems by the smooth and fair litigation channels, so as to effectively safeguard the overall interests of the society. Second, it is necessary to ensure the fairness of the litigation process. After litigation problem has come into being, the judiciary should be able to strictly follow the relevant laws and procedures to ensure that the proceedings are not affected by any group, government or individual, so that every case can be ruled fairly. Finally, in the process of judicial adjudication, the judicial authority should adopt a neutral attitude, select a neutral form for any case, consider the overall interests of society from the perspective of comprehensiveness and impartiality, and treat the subjects of litigation equally.

### 4. Summary

To sum up, there are many forms that the economic law protects the overall interests of society. As an important part of the national legal system, economic law plays an important role in the protection of the overall social interests. Because of mature of the economic law ---- the combination of "public and private" ensures the interests of social individuals; moreover, it reveals its emphasis of protecting the overall interests of the society from the angle of social individual interests. Therefore, we need to think deeply about economic law, so as to ensure that economic law can protect the overall interests of society from its legislation, enforcement and administration of justice.

### References

- [1] Wang Baoshu. On the Object of Legal Interest of Economic Law [J]. Journal of Tsinghua University (Philosophy and Social Sciences), 2001(5):61.
- [2] Zhang Shouwen. Economic Law [M]. Beijing: China Renmin University Press, 2008:103.
- [3] Zhang Yanbing. The effective maintenance of Economic Law to the overall benefit of Society[J]. Co-operative Economy Science, 2018(7): 184-185.
- [4] Zhou Zengjie. Research on the Maintenance of Economic Law to the Overall Benefit of Society [J]. China Management Informationization, 2018, 21(4):174-175.
- [5] Xiao Yinghong. Analysis and Research on the Maintenance of Economic Law to the Overall Benefit of Society [J]. Workers' Legal World, 2017.
- [6] Dong Chenghui. On Autonomy of the Market Subject from the Perspective of Economic Law under the Negative List Management Mode [J]. Economic Law Review, 2015.