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The Value Foundation and Development Path of China's Digital Law under the Guidance of Xi Jinping's Thought on the Rule of Law

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Abstract. The "Digital China" strategy is a crucial engine for advancing Chinese-style modernization in the digital era and a strong support for building new competitive advantages for the nation. Against this backdrop, China has given birth to digital jurisprudence as an emerging interdisciplinary field. By analyzing the necessity and rationality of the development of digital jurisprudence in China, it is argued that to promote its growth, we must adhere to the value guidance of the digital rule of law concept in Xi Jinping's thought on the rule of law, the principle of people-oriented subjectivity, and the fundamental principle of organically combining autonomy with openness. On this basis, emphasis should be placed on foundational theoretical research in digital jurisprudence, coordinated application across legislative and judicial levels, and the establishment of a teaching system for digital jurisprudence in curriculum experiments, thereby providing a path for the development of digital jurisprudence in China.

Keywords: Xi Jinping's thought on the rule of law, "Digital China" strategy, digital jurisprudence, emerging discipline

1. Introduction

With the rapid advancement of technologies like the metaverse, blockchain, and big data, digital innovations are fundamentally reshaping human lifestyles while triggering profound transformations in national governance models. China actively explores and innovates to harness opportunities and address challenges arising from digital society evolution. As outlined in the "14th Five-Year Plan for National Economic and Social Development and Long-Range Objectives Through 2023" (hereinafter referred to as the "14th Five-Year Plan"), the nation is committed to building a cyber power, accelerating the development of a digital economy, digital society, and digital government. This strategic initiative aims to embrace the digital era and drive comprehensive transformations in production methods, lifestyles, and governance frameworks through holistic digital transformation [1]. Subsequently, a series of documents such as the "Overall Layout Plan for Digital China Construction" and the "Digital China Development Report" were released, laying the groundwork for China to adapt to the digital trend and seize the initiative. At the same time, as a legal system promoting the modernization of the national governance system and governance capacity, its scope,

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range, and elements are undergoing tremendous changes under the impact of the digital era, giving rise to digital jurisprudence.

As a new product of the times in recent years, digital law is generally believed by scholars to cover three fields: data law, network law and artificial intelligence law [2]. It is a new field of intersection between digital technology and legal theory, as well as a comprehensive integration of new research paradigm and new legal practice across disciplines [3]. Theoretically, digital jurisprudence provides new research directions for the development of legal disciplines and offers innovative exploration methods for digital rights, cybercrime, and digital sovereignty in the digital era. It promotes legislative reforms and innovations in China, providing insights for addressing digital issues in the new era. Practically, digital jurisprudence empowers fields such as digital courts, smart prosecution, and intelligent dispute resolution, enhancing judicial efficiency and standardizing the exercise of power by authorities. However, due to the incomplete depth of current research on digital jurisprudence in China, there are certain gaps in its theoretical studies and practical applications. It is necessary to systematically review its background and application prospects in practice, contributing to the construction of China's "digital China".

2. Theoretical foundation: building an autonomous knowledge system guided by Xi Jinping's rule of law thought

2.1. The necessity of China's digital law development under Xi Jinping's rule of law thought

2.1.1. Alignment with China's top-level design

Since the 18th National Congress of the Communist Party of China, General Secretary Xi Jinping has repeatedly emphasized the need to develop the digital economy, promote the implementation of the national big data strategy, accelerate the integration and open sharing of data resources, and speed up the construction of a digital China. Subsequently, the report of the 20th National Congress of the Communist Party of China further pointed out the need to accelerate the construction of a manufacturing powerhouse, a quality powerhouse, an aerospace powerhouse, a transportation powerhouse, a cyber powerhouse, and a digital China, and proposed the implementation of the national cultural digitalization strategy [4]. Under this guidance, China's "14th Five-Year Plan" has made important arrangements for "building a digital China," including a dedicated chapter on "building a digital China" and specialized plans for "digital economy," "digital society," "digital government," and "digital ecosystem," covering detailed aspects such as digital industries, digital villages, and digital government services. Meanwhile, China has also issued relevant documents such as the "Overall Layout Plan for Digital China Construction," the "Implementation Plan for the Information System Construction of' Digital Rule of Law, Smart Justice, '" the "Data Security Law," the "Cybersecurity Law," and the "E-Commerce Law," enhancing the comprehensiveness, systematicness, and coordination of digital China construction, while strengthening the role of coordination, supervision, and guidance to promote high-quality development of digital China. As a subordinate concept of digital China, digital jurisprudence has already been guided by principled top-level design in its emergence and development. Its capabilities align with China's digital China development strategy, and it should clarify and improve its theoretical connotation under the guidance of legal thought and legislative norms, thereby contributing to the further development of "digital China."

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2.1.2. In line with the construction of new humanities in China

In 2021, the Ministry of Education issued the "Notice on Recommending New Liberal Arts Research and Reform Practice Projects" (Document No.10 [2021] of the Office of the Ministry of Education), marking the substantive advancement phase of New Liberal Arts initiatives. The document emphasized aligning with emerging trends in technological revolution and industrial transformation, actively integrating modern information technologies like artificial intelligence and big data with traditional liberal arts disciplines, while exploring pathways for upgrading their core competencies. As a paradigm bridging humanities and sciences, digital law aligns with the New Liberal Arts 'goal of "transitioning from industrial to information civilization" [5], responding to interdisciplinary trends under this policy framework. This emerging field has rapidly developed. For instance, Renmin University of China's Law School has pioneered interdisciplinary research in legal technology, offering a "Data Law" minor program to cultivate students with legal and computational thinking while mastering both legal and computer science expertise. Meanwhile, Tsinghua University's Law School launched the "Computational Law" Master of Laws program, aiming to develop high-caliber interdisciplinary professionals who can integrate legal frameworks with information technology [6]. In addition, foreign universities such as Oxford Law School, University of Bologna Law School, Stanford Law School and other schools also promote the integration of law and digital technology courses in an interdisciplinary way, providing ideas and reference content for the attempt to open and develop the discipline of digital law [7].

2.1.3. Compatible with products in the era of big data

Through networked, digital, and intelligent approaches, digital technologies have permeated every aspect of China's legal governance.Firstly, in law enforcement, the country has pioneered an "Internet + Law Enforcement" model that leverages digital intelligence to create smart regulatory frameworks. Data shows Shenyang City in Liaoning Province has achieved remarkable progress in urban management enforcement. The city has actively driven digital transformation in urban governance by standardizing templates for 80 enforcement documents, assigning unique "identification codes" to 129 legal provisions, and deploying mobile internet technology to establish intelligent algorithm models for comprehensive supervision of construction waste vehicles through a digital monitoring system [8]. Secondly, in the judicial system, China actively promotes the bidirectional empowerment of "rule of law construction" and "digital technology". The Liaoning Provincial High People's Court has led courts across the province to fully utilize modern technological means such as big data and artificial intelligence to solve problems, enhancing the integration of information technology with judicial operations and meeting the diversified judicial needs of the public. Through online service platforms for case filing and mediation, electronic litigation applications have been continuously incorporated into judicial practices, accelerating the development of "smart courts". Thirdly, in the supervision sector, China employs "smart anti-corruption" to empower disciplinary inspection and supervision work. For instance, when investigating the corruption case of Wang Mou, a business department manager at Anshan Bank, the Anshan Municipal Commission for Discipline Inspection and Supervision in Liaoning Province identified evidence related to Wang's illicit gains from property purchases in Beijing within just over a week by analyzing over 70,000 data entries, significantly reducing case processing time. This marks a fundamental shift from relying solely on manual methods and auxiliary technologies to deeply integrating big data technology. It demonstrates that big data has become an indispensable tool in the current era. Digital jurisprudence will combine traditional legal theory with data

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application practices in the rule of law process, achieving positive interaction between the two and playing an indispensable role.

2.2. The requirements of "digital rule of law" under the guidance of Xi Jinping's thought on the rule of law

Since the 18th National Congress of the Communist Party of China, under the leadership of the CPC Central Committee with Comrade Xi Jinping at its core, China has continued to advance the integrated development of a country, government, and society governed by the rule of law, and the socialist rule of law with Chinese characteristics has flourished. The 20th National Congress of the CPC emphasized "building a modern socialist country in all respects on the track of the rule of law," further proposing to promote the construction of the rule of law. Practice evolves, and times change. With the vigorous rise of digital technological revolutions such as big data and cloud computing, various aspects of China's digital legal norms, digital legal technologies, and digital legal infrastructure have been restructured and reshaped. The concept of digital rule of law has emerged accordingly, further enriching the contemporary connotation of Chinese-style rule of law modernization and providing new momentum and new paths for it. In the face of digital jurisprudence as an emerging phenomenon, we must adhere to the digital rule of law in Xi Jinping Thought on the Rule of Law as our guiding principle, ensuring its continued development on the right track.

The development of digital jurisprudence should be guided by the concept of digital rule of law. President Xi Jinping has emphasized the importance of leveraging digitalization to enhance the modernization of China's governance system. He proposed that "we must improve the governance system for the digital economy, refine laws, regulations, and policy frameworks, and enhance institutional mechanisms," while stressing the need to "fully implement the strategy of building a cyber power, widely apply digital technologies in government administration and services, promote digital and intelligent governance operations, and provide strong support for advancing the modernization of China's governance system and capabilities." In the process of developing digital jurisprudence, we must adhere to the concept of digital rule of law, align it with the evolving trends of the times, and lay a solid "digital foundation" for building a comprehensive rule-of-law nation.

In general, General Secretary Xi Jinping pointed out that "we should promote the deep integration of scientific and technological innovations such as big data and artificial intelligence with judicial work." On this basis, digital jurisprudence should adhere to the digital rule of law perspective in Xi Jinping's thought on the rule of law as guidance, actively adapt to the trends of technological development in law enforcement and judicial practice, explore emerging technologies such as cybercrime, artificial intelligence, and blockchain, and utilize digital advantages to integrate them into practice, further advancing the construction of a socialist rule of law system with Chinese characteristics.

3. Application prospect of digital law in China under the guidance of Xi Jinping thought

3.1. Emphasis on basic theoretical research of digital law

At present, there are two different views and positions on the theoretical connotation of digital law. One is the "generational innovation theory" represented by Professor Ma Changshan, who believes that digital law is not a new discipline, but a reconstruction and transcendence of modern law and a generational transformation [9]. The opposing perspective, represented by Professor Hu Ming's

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"Emerging Discipline Theory," posits that digital jurisprudence constitutes an independent interdisciplinary field with distinct disciplinary positioning, attributes, research paradigms, and methodologies. These differing conceptual frameworks yield divergent interpretations of digital jurisprudence's theoretical essence. Scholars advocating the "Generational Innovation Theory" emphasize that digital jurisprudence aims to establish legal paradigms for the digital age while addressing emerging legal challenges. Their focus lies in reconstructing foundational legal theories, where exploring solutions to digital-era issues primarily serves to enrich theoretical frameworks rather than adopting a "problem-solution" approach.Therefore, its primary objective is to redefine the legal framework for the digital age, thereby reconstructing the entire theoretical structure of jurisprudence. For scholars of the "Emerging Disciplines Theory," digital jurisprudence emerges as a product of the "Juris+ movement," adopting a distinct "problem-solution" approach. They argue that the rise of digital jurisprudence stems from the need to adapt traditional legal values to technological advancements in the new era [10]. The expansion of its conceptual scope relies on technological developments in the digital age, while emphasizing the provision of legal solutions to emerging challenges in this digitalized context.

From the perspective of national macro design and disciplinary research, although digital law has not been listed as a first-level interdisciplinary discipline in China, according to the current research trend, scholars are more inclined to regard it as an emerging interdisciplinary discipline [11]. Therefore, in developing digital jurisprudence, the first step is to clarify the ambiguities in existing theories—such as whether digital jurisprudence belongs to field law or applied law—and define its true positioning and theoretical connotations. This should be progressively validated through institutional frameworks and normative systems. Secondly, we must validate digital jurisprudence within existing foundational disciplines, exploring how current theories can be adapted for digital contexts. We need to proactively address real-world challenges in the digital age, investigate the coordination between law and society, law and technology, and ultimately reconstruct the digital jurisprudence framework. Finally, emphasis should be placed on its disciplinary positioning, responding to digital jurisprudence's role and applications within legal studies, while cultivating professionals adaptable to digital societal development.

3.2. Coordinated application of both legislative and judicial aspects

From a legislative perspective, digital jurisprudence, as an emerging field, requires regulation and constraints at the legal level. Specifically, China has enacted laws such as the Cybersecurity Law, the Data Security Law, and the Personal Information Protection Law, establishing a relatively comprehensive regulatory framework. This has formed a basic path that organically combines "top-down" and "bottom-up" approaches, creating a digital legal governance pattern with Chinese characteristics [12]. However, given the cross-regional and complex nature of digital domain regulations, existing institutional frameworks struggle to fully encompass the scope of digital law. Therefore, we should build a fundamental legal framework for cybersecurity and data protection based on current laws and regulations, with particular emphasis on improving systems for safeguarding personal information and consumer rights to protect legitimate interests in the digital economy era. On this foundation, clear provisions should be established regarding existing issues such as e-commerce platform operator liabilities, product liability in online live streaming, and corporate taxation obligations, thereby reducing the occurrence of internet-related crimes.

From a judicial perspective, China has achieved notable progress in enhancing judicial capabilities through modern information technology and artificial intelligence. Technologies such as case similarity search, online litigation platforms, and legal service models have significantly

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improved the efficiency of judicial personnel in handling cases. In the development of digital jurisprudence, China must continue leveraging existing technological advantages while driving continuous innovation. On one hand, the country should proactively respond to digital trends by harnessing the convenience of digital information to empower judicial systems. For instance, Dalian City has established a data-sharing platform to regularly collect and summarize community residents 'key concerns, creating "Internet + convenience services" sectors that bridge the "last mile" of "resident services" by addressing citizens' most immediate practical interests. On the other hand, China should actively innovate by upgrading intelligent search systems and smart judicial applications to make legal services more intelligent. Liaoning Province, for example, is promoting deep integration of technology with litigation services to build a one-stop, comprehensive smart service system. This initiative aims to better serve the public while strengthening intelligent construction of people's courts and expanding paperless case handling applications. Simultaneously, attention must be paid to potential issues arising from smart judicial systems, such as avoiding formalism and excessive focus on efficiency at the expense of comprehensive case understanding. This approach helps reduce misjudgments and wrongful decisions, making judicial proceedings more "refined," judicial processes more "transparent," and the judicial process more "efficient."

3.3. Building a teaching system of digital law in curriculum experiment

The "Introduction to Graduate Education Disciplines and Basic Degree Requirements (Trial Version)", jointly compiled by the Eighth Academic Evaluation Group of the State Council Academic Degrees Committee and the National Steering Committee for Professional Degree Graduate Education, has officially recognized Network and Information Law as a secondary discipline under the Law category. This development creates a framework for the digital law discipline, which serves as its overarching concept, to be established within the broader legal field [13]. From the perspective of building a new digital law discipline in the current era, in the face of the opportunities and challenges brought by the digital era, China can only effectively respond to the development of the times by starting from the basic problems and actively building the discipline system, academic system and discourse system.

On the one hand, from the perspective of the construction of the basic theory of the discipline, some scholars believe that the basic discipline field constructed by digital law includes at least six aspects: information communication science, computational social science, machine learning theory and technology, neural and cognitive science, data science and technology, and legal economics [14]. Comprehensive exploration and innovation have been carried out in the new field of legal application at this stage. In practice, the establishment of disciplines such as data law and computational law in some Chinese universities indicates that digital law has already laid a certain foundation and gained valuable experience in disciplinary development. Therefore, the design of the aforementioned six disciplines is reasonable and well-founded. Additionally, the establishment of digital law aims to resolve digital disputes and clarify the means of handling various emerging disputes in the digital era. Thus, digital law should focus on applying its technology to prevent disputes and, guided by the "digital China" strategy, implement intelligent social engineering in the legal field. By adhering to the general principles of disciplinary development, it should produce pragmatic and open academic research outcomes, thereby cultivating talents with systematic, strategic, and global thinking.

On the other hand, from the perspective of practical application in disciplinary development, two specialized courses can be established: Smart Court and Data Analysis. The Smart Court course focuses on teaching how to utilize judicial resources to analyze key social cases or representative

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events through judicial big data. Students will identify common patterns in these social phenomena and enhance their flexible thinking by participating in existing competitions like "Internet+", "From Law Cup", and "Challenge Cup". More importantly, they will develop practical strategies for real-world issues, fostering innovation, interdisciplinary thinking, and critical reasoning. Through blended online-offline trial simulations, students gain hands-on experience to better understand problem-solving in the digital era. They actively engage in discussions on current judicial hotspots, enhancing interactive learning. The Data Analysis course involves practical analysis of existing online data, self-collected research, and typical case characteristics. Students prepare judicial big data analysis reports and pre-process data from court documents, trial procedures, and judicial transparency initiatives to optimize subsequent analysis. This process improves professional handling skills and data utilization capabilities. By developing expertise in judicial big data research, students master dual competencies in computer application and legal theory, ultimately enhancing their ability to apply big data analytics to solve complex social problems [15].

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