

## Also Discuss Big Data and Chinese Rule of Law

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*Abstract: With the rapid development and application of technologies such as cloud computing, internet of things and artificial intelligence, big data has profoundly changed the mode of production, relations of production and living conditions in human society and provided opportunities and opportunities for the development of all walks of life. Expansion capacity. The development of big data has brought a series of legal issues, such as information and privacy protection, right to information and public safety. In this paper, we must consciously use big data to promote the reform and informatization in the area of rule of law, promote the innovation of the state governance model and governance system, and better promote the shaping of a country ruled by law and the rule of law.*

*Keywords: big data, rule by law, state governance, great change, informatization development*

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### 1. INTRODUCTION

With the rapid development of information technology, big data has become an important feature of the current informatization development and infiltrated into all aspects of social life. According to the "36th Statistical Report on Internet Development in China" released by China Internet Network Information Center (CNNIC) in July 2015, as of June 2015, the number of Internet users in our country reached 668 million with an Internet penetration rate of 48.8%. China's domain name The total number reached 22.31 million and the total number of websites reached 3.57 million. According to the related research report, it is estimated that the global data volume will reach 35.2ZB by 2020. The total amount of data generated in China will exceed 8.5ZB, which is 10 times of 2013's[1]. Obviously, in the face of this emerging technology undergoing tremendous change and its accompanying potential social changes, the development of the rule of law in our country is facing unprecedented challenges and opportunities on the way and is facing with all-round encounters brought by big data and artificial intelligence The urgent need to make a scientific solution and response to meet the practical needs of reality, but more integral reconsideration and scientific reconstruction are needed to promote self-development and enhance academic life value. In this sense, in the era

of big data, the pattern of state governance in our country has in fact suffered a tremendous impact and shaking, and has gradually broken through the limits of current quantitative laws and is now quietly carrying out qualitative changes. This can not but arouse the great attention of our jurisprudence. In order to better respond to the needs of talented people in the era of big data, a number of universities set up their major of "data science and big data technology". In addition to the rise of artificial intelligence in recent years, it is very likely that in the near future, Talent demand poses a greater impact, while big data will play a role in the replacement of some human capital by artificial intelligence. Therefore, it is undoubtedly of practical significance to think about big data for the training of legal persons. Big data will also promote the transformation and upgrading of legal education and personnel training, and bring about challenges and impacts on the existing personnel training modes and teaching contents.

## **2. THE ERA OF BIG DATA ERA OF INFORMATION TECHNOLOGY DEVELOPMENT**

In the big data era, the development of the rule of law is undergoing profound changes. The development of information technology has infiltrated various fields of the rule of law. In the field of public security management, all sorts of technologies that "brush face" or pay now provide new technical support for the entire social security management and also pose challenges to the protection of citizens' personal information. How to effectively safeguard the legitimate rights of citizens such as privacy during the process of developing big data and at the same time balance the conflicts between civil rights so as to strike a balance between the right to information and the right to privacy and to reach a compromise between the public interest and private rights Rule of law to be adjusted and resolved. It can be argued that big data will have far-reaching implications for lawmaking, law enforcement, justice, legal services and legal research.

Big data technologies and thinking will make lawmaking more scientifically, reasonably and practically possible. Using big data technology, the legislature can better perceive the legislative needs and social hot spots and difficulties, meet the needs of social development through legislation, make timely adjustments to social relations, and adopt appropriate, reasonable and effective measures and means to be adjusted. Only when legislation can timely respond to the needs of social development and properly adjust various social relations can we promote social development and social harmony better. With the aid of big data technologies and thinking, the problems of legislation lagging behind and unscientific legislation can be effectively suppressed. Similarly, the use of the Internet and big data to sort out and analyze normative documents such as laws, regulations and rules can reveal some omissions and inconsistencies, especially the readjustment and standardization of the contents which have a serious impact on the unification of the legal order, Help to establish the authority of the rule of law and the construction of the legal order.

Big data has created the possibility of using law enforcement information and seeking ways to enhance the effectiveness of law enforcement. The opening of government information has become an important content and embodiment of the construction of a government ruled by law. Through open government affairs, law enforcement openness and information disclosure, we can analyze the specific circumstances of government law enforcement and make a big data perspective on the difficulties in law enforcement as well as existing problems, ideas and methods of improvement, etc., and we can see the effectiveness and laws of law enforcement. And provide accurate information support for further strengthening law enforcement, improving law enforcement efficiency and enhancing law enforcement effectiveness. The most typical example, such as the current law and order situation analysis and judgments, through some of the theft, robbery, robbery and other specific types of cases and the reasons for the annual, quarterly or monthly analysis, and through the causes and trends To judge, so as to introduce the appropriate management measures to provide valuable advice and information.

Big data for the case of information technology, type and scientific approach provided. Due to the application of big data technology and thinking, abundant information contained in various cases can be tapped. Some regular case information can be displayed, which provides conditions for the typeization and legal application. "Similar cases similar treatment" will be technically possible. Therefore, how to make use of big data technology and thinking to classify the cases collected in various judicial practices, explore the regular knowledge and information therein, and find the corresponding solutions, and even create a model of the processing model that will influence the judicial process. And judicial practice have a revolutionary impact. Taking the protection of privacy as an example, we can analyze the types of privacy infringement, the specific reasons, the characteristics and characteristics of infringement, the application of law and the ways of relief through data analysis, so as to provide valuable information for the legal protection of privacy, Create conditions. For another example, since the 18th CPC National Congress, major achievements have been made in combating corruption and building a clean government. Severe punishment of corrupt elements has led to overwhelming opposition to corruption and the promotion of clean government. The use of big data technology has made great contributions to the field of corruption, its causes, its incubation period, its handling and effectiveness. Gains and losses, development trends and other information for analysis and judgment, for the future promotion of anti-corruption is undoubtedly instructive. In particular, the introduction of big data in the anti-corruption struggle will create the conditions for "precise anti-corruption". In a nutshell, big data technology will provide important technical support for judicial practice.

### **3. BIG DATA TO PROMOTE THE GREAT CHANGES IN THE AREA OF RULE OF LAW**

The "13th Five-Year Plan" proposal adopted by the Fifth Plenary Session of the 18th CPC Central Committee put forward the strategy of "implementing the national big data strategy

and promoting the open sharing of data resources" to elevate the development of big data to an unprecedented strategic height. Big data is becoming a prominent feature of the new era and has had a profound and profound impact on all walks of life. Finding the knowledge and information of state governance and social governance through data mining and research is an important manifestation of the technology and thinking of using big data in social sciences and a new growth point for the development of social science. How to use the information in the area of rule of law and analyze, share and utilize the data to achieve the goal of saving resources, improving efficiency and improving governance are the important areas and contents of the rule of law. Effective use of big data technologies and thinking will be an important resource and driving force for building a country under the rule of law in the new era. It will also be an important way to promote the effectiveness and modernization of state and social governance. If the legal education and law research can not make full use of the technical conditions and development opportunities provided by big data, they can not effectively solve the legal problems and conflict of interests brought about by the development of big data, and can not cultivate the compound legal-typed talents who know both business and technology. Then legal education, research on the rule of law and the legal services industry will therefore lose the dividend for development and legal education can not shoulder the significant historical responsibility entrusted by the rule of law and the rule of law. All in all, big data is not only a technological innovation, but also a tremendous change in the development strategies and business operation modes of all industries and even in people's thinking. The area of the rule of law is no exception.

Technological change is a major driver of talent demand. As information networks evolve from processing data to processing massive amounts of data, the technological revolution brought about by big data will open a major transformation in which human society enters big data and its closely related AI era. The era of big data has completed a series of data-centered technological changes in concepts, technologies and applications. Such extensive and radical changes will inevitably lead to the transformation of mankind's production and communication modes. Social management and structural changes will also Will call for the corresponding changes in the legal system[2]. The information technology that big data relies on is changing the mode of production, way of life and way of thinking of mankind, and of course, it is also pushing forward the transformation of personnel training mode and education content. After nearly forty years of hard work, the cultivation of the rule of law talents in our country has formed a relatively mature training program and path. This "mature" training program and path may also become a new obstacle to the reform of personnel training mode in the context of the formation of an outdated "path dependence" inertia. Big data technology and thinking needs to be based on the in-depth combination of mathematics, statistics, computer science and organic integration. These knowledge bases are generally lacking in the current legal professionals training program. In this regard, whether we can make good use of the favorable conditions for "big data" "+" to reform the legal professional teaching model and personnel training programs is a major issue that needs to be deeply thought out and explored in our country.

The development of the rule of law has created space and opportunity for the use of big data technologies and thinking and put forward new requirements on the training of the rule of law personnel. The "Decision" of the Fourth Plenary Session of the 18th CPC Central Committee clearly pointed out that "the innovation of the rule of law personnel training mechanism" poses new and higher requirements for law education in colleges and universities. Legal education in colleges and universities urgently needs to shift from focusing on the expansion of mass scale to the pursuit of quality improvement. Law professional education changes to legal vocational education, devoting efforts to solve such problems as the separation of law education from social needs, the mismanagement of production and sales, the structural excess of legal talents, and the lack of high-end professionals. We should vigorously cultivate "law-based beliefs and the rule of law, with a solid legal profession Knowledge, excellent practical skills, elite legal person with erudite humanism and social responsibility "[3]. In the past forty years of reform and opening up, China's legislative democracy, open law enforcement and judicial informatization have created the conditions for the use of big data technologies and thinking. The disclosure and disclosure of a large amount of legal information has created the data prerequisite for the informatization construction of the rule of law and also provided the support for the application and development of big data in the legal field. Large amounts of legal data contains a wealth of knowledge and information, which has the inherent relationship and the law needs to be explored. By analyzing and summarizing these legal information and cases, we can find out the problems, causes and countermeasures that are universal. In the current legal professional training programs, there is still a lack of consideration and training of students' ability to analyze data. In other words, in the era of big data, it is necessary for university legal professionals to cultivate the ability to collect and analyze data and to use data to establish models and explore effective ways to provide solutions and solutions to legal problems and to communicate with them Coordination. In general, big data technology poses challenges for current legal professionals and also provides the opportunity and space for the transformation and upgrading of law professions.

The development of information technology and big data has raised many new problems for legal education and legal development and also provided tremendous impetus for the development of the rule of law. How to translate the problems and kinetic energy brought by the development of such big data into the practice and opportunity of training and innovating talents requires in-depth reflection and exploration. For example, an important prerequisite for the development of big data is the collection of data and information. In the process, how to protect the privacy of those who are collected is not only an ethical issue but also a legal issue. There is a need to measure the dynamic balance between big data development and citizen privacy. At the same time, it is also necessary to make systematic trade-offs and compromises between the government's extensive collections of information on citizens, how to effectively serve the public interest and prevent leaks while safeguarding the public's right to know. Without effective legal measures to eliminate the privacy concerns of citizens, the collection of information will encounter various obstacles, soft or hard, thus affecting the authenticity and

objectivity of the data itself, thus affecting the credibility of big data. Law research and rule of law professionals need to solve the social problems caused by the development of big data with legal thinking and legal means. Only in this way, the healthy development of big data can be expected, and legal education and personnel training may only be socially recognized and respected.

#### **4. CONCLUSION**

"Governing the country in its entirety in accordance with the law is an important historical task in our country. The vitality of the law lies in its implementation. The effective implementation of the law depends on the training of law-abiding personnel." The training of law-abiding professionals is an important part of governing the country according to law. "[Shi Pengpeng:" Reform Legal education personnel training positions in the legal education space "," Legal Expo "2017 the twenty-sixth period. China is building a socialist country governed by the rule of law. Social changes in the new era are in urgent need of a breakthrough in the model of training the rule of law personnel and the teaching content. My humble opinion, our legal education, as a whole has not been able to spend much time on the issue of big data, nor how much content to reflect the legal claims and solutions to big data. At a time when information technology and big data are the hallmarks of the great era, without a thorough study of the impact and response of information technology and big data, there is no doubt that we have missed out on one area or opportunity and even missed one responsibility and responsibility. Because of the legal issues brought by big data such as privacy is to be resolved. Big data technologies and thinking create conditions for the reform of legal education and innovation in personnel training. Faced with the new situation and new tasks, as well as the relative surplus of the rule of law personnel training and the new stage of the popularization of higher education, legal education workers need to examine the existing problems and countermeasures of legal personnel training from the dimensions of the existence and development of legal education Perhaps, using the big data technology and thinking of the dividend is an important window of legal education, at least a growth point of a certain room for development!

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## REFERENCES

- [1] See Feng Weiguo, Wang Chao: "Research on Anti-Terrorism Information in Big Data Era", Zhang Ling and Liu Ruirong, "Legislative Social Security Prevention and Control System -- Annual Meeting of China Society of Criminology (2016) China Procuratorial Publishing House 2016 edition. P351-P352.
- [2] See Yu Zhigang, Li source tablets: "big data changes in the data for the criminal law Institute of sanctions ideas", contained "Chinese Social Sciences" 2014 the tenth period.
- [3] Yang Canming: "Rule of Law and Rule of Law Talent Training Mechanism Innovation", contained "Law Education Research" 2016 the first period.