

# Exploration and Experience of Discipline Inspection Department in Promoting the Integration of Discipline, Law and Reason Taking the Case Experience Summary of S University as an Example

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## ABSTRACT

According to the specific requirements of discipline inspection work in the new era to promote the integration of discipline, law and reason as proposed in the communiqué of the Fifth Plenary Session of the 19th Central Commission for Discipline Inspection, this paper analyzes the basic concepts and connotations of discipline, law and reason and sorts out the specific path of integration of discipline, law and reason. It also summarizes the specific case experience of promoting the integration of discipline, law and reason in the practice of discipline inspection work in colleges and universities, and emphasizes that promoting the integration of discipline, law and reason in the practice of discipline inspection work in colleges and universities must adhere to the three basic aspects of "strict management" before "great kindness", severe investigation and punishment towards violations of laws and disciplines while adhering to accountability, and doing a good job of humanistic care.

**Keywords:** *Discipline inspection work in colleges and universities, Integration of discipline, law and reason, Strict management and great kindness, Three distinctions.*

## 1. INTRODUCTION

The communiqué of the Fifth Plenary Session of the 19th Central Commission for Discipline Inspection, "Promoting the high-quality development of discipline inspection and supervision in the new era and celebrating the 100th anniversary of the founding of the CPC with outstanding achievements", proposed that "we should implement the 'four forms' into the whole process of discipline enforcement and law enforcement, and make overall use of party spirit education, policy inspiration, and discipline and law deterrence, to achieve the integration of discipline, law, and reason, learn from past mistakes to avoid future ones, cure the sickness to save the patient, and educate and save a group of cadres".[1]

The 17th collective study of the Standing Committee of the Central Commission for

Discipline Inspection stressed that efforts should be made to grasp the scientific methods to promote high-quality development, adhere to the principle of seeking progress while maintaining stability, and seeking truth from facts, complying with regulations and laws, and adhere to the integrated advancement of "Three-no Principle" and the integration of discipline, law and reason.

## 2. THE SIGNIFICANCE OF THE INTEGRATION OF DISCIPLINE, LAW AND REASON

As the party's working principle, the basic meaning of "learning from past mistakes to avoid future ones and curing the sickness to save the patient" is to treat comrades who have made mistakes and "cure" them as much as possible. The word "cure" conveys the warm side of the party discipline.[2] It is emphasized that while insisting on the accountability of the comrades who violate

the discipline, the party should also adhere to the integration of reason and give them the opportunity to correct as much as possible.

According to the summary of Dr. Huang Wensheng of Guizhou University, the integration of discipline, law and reason inherits the historical wisdom of China's traditional legal culture, carries forward the fine tradition formed by the century-old struggle of the party, and profoundly summarizes the successful experience of the specific practice of discipline inspection and supervision.[3] Therefore, adhering to the integration of discipline, law and reason is an important guideline for the high-quality development of discipline inspection and supervision in the new era.

### **3. BASIC CONNOTATION OF DISCIPLINE, LAW AND REASON**

At present, scholars have much discussion on the connotations of discipline, law, and reason. Generally speaking, the connotation of discipline and law is relatively clear, but there are different understandings of the connotation of reason.

#### ***3.1 Connotation of Discipline and Law***

Discipline is the party's internal law and discipline, which is generally called party discipline. Party discipline has the general attribute of Rechtsnorm, is an important part of the party's internal legal system, and is an important rule for governing the country according to law, the party according to rules, and anti-corruption. Law refers to national laws, including laws in a narrow sense formulated by the National People's Congress and its Standing Committee, as well as laws in a broad sense such as administrative regulations, departmental rules, local regulations, separate regulations, judicial interpretations, etc.

#### ***3.2 Connotation of Reason***

Does reason refer to the human nature as the "public sentiment" recognized by the majority of the society, or as the personal friendship between the personnel handling a case and the person under investigation, or the worldly "personal relationship"? From the perspective of the integration of discipline, law and reason, this article is more in favor of the former. One may get the inside story from two law proverbs. As the law proverbs go, "the law is no more than human feelings", but at the same time, "laws prohibit personal feelings". Superficially, these two proverbs seem to contradict each other,

but after a deep study of their connotations, it can be found that they describe the one whole and both sides of law and reason, which are inherently unified. The so-called "the law is no more than human feelings" means that the designation and implementation of law cannot be separated from the common moral feelings of human beings. Legislation and law enforcement activities should be combined with human ethics to praise and nourish people's common moral feelings and make it easy for people to accept.[4] "Laws prohibit personal feelings" means that the design and implementation of the law cannot vary from person to person, the same behavior has the same legal consequences, all people are equal before the law, and the different treatment cannot be implemented due to the closeness of personal relationships.[5] It can be seen from this that, on the premise of adhering to the basic connotation of law, "reason" should be the common moral emotion of people, which contains humanistic care and value orientation, but it is by no means personal or private relationship.

### **4. THE BASIC POINTS OF THE INTEGRATION OF DISCIPLINE, LAW AND REASON**

The integration of discipline and reason involves multiple aspects, including the connection between "discipline" and "law", as well as the integration of discipline and reason.

#### ***4.1 Connection Between "Discipline" and "Law"***

There are differences between party discipline and law in terms of adjustment scope, adjustment object and effectiveness level, but they are unified in the core principle of governing the country according to the Constitution. The coordination mechanism of the relationship between party discipline and law should reflect the spirit of governing the country and ruling by Constitution, and implement the mechanism of party discipline review before legal evaluation. The responsibility of party discipline is the responsibility of organizational membership, which should be treated separately from the administrative legal responsibility. For the party members who should bear the responsibility of party discipline and criminal responsibility, the discipline inspection and supervision organ will only transfer the evidence and clues of suspected crime to the judicial organ after the party discipline punishment,

and the judicial organ will give criminal sanctions. Therefore, in terms of the relationship between discipline and law, in terms of the handling procedures, discipline comes first and law comes second; in terms of the degree of restraint, discipline is stricter than law. The law and discipline within the party are the requirements for party members, and must be stricter than the requirements of the law for the public. Violation of law is bound to violate discipline, but violation of discipline is not necessarily illegal.

#### **4.2 Key Points of Integration of Discipline, Law and Reason**

The integration of discipline, law, and reason mainly includes the following three aspects:

##### **4.2.1 Carrying Through the Discipline and Law, and an Investigation Must Be Carried out If There Is a Problem or Responsibility**

The integration of discipline, law and reason doesn't weaken or even abandon the accountability of discipline and law because of reason. Discipline and law are rigid regulations. As long as there is any violation of discipline and law, the discipline inspection department should check if there is any clue and investigate if there is any responsibility.

##### **4.2.2 The Understanding and Interpretation of Discipline and Law Should Be Reasonable**

When discipline and law are formulated, they contain human feelings and justice. However, due to the need for concise expression, it is impossible for discipline and law to explain the background and purpose of their formulation. Therefore, when handling cases, the discipline inspection authority should comprehensively consider the background, purpose and other factors in the understanding and interpretation of the specific discipline and law, and make a reasonable interpretation of the discipline and law in line with human feelings and justice.

##### **4.2.3 Reason Runs Through the Whole Process of Handling Cases, and the Application of Discipline and Law Integrates Reason**

On the one hand, based on the actual needs, the provisions of the discipline and law have certain

flexibility, which belongs to the "discretionary power" of the discipline inspection authority in handling cases. However, discretion doesn't mean doing what you want, nor does it mean favoritism. It means that the discipline inspection authority should comprehensively consider the background, motivation, nature, plot, consequence, time node, confession and regret of the case, whether to voluntarily surrender and cooperate with the review and investigation, the consistent performance of the person under investigation, the public evaluation and other factors in the process of handling the case.

On the other hand, special attention should be paid to the "three distinctions", namely, to distinguish the mistakes made by cadres due to lack of experience and trial in advance in promoting reform from the violations of discipline and law committed knowingly, to distinguish the mistakes in the exploratory experiment that have not been clearly restricted by the superior from the violations of discipline and law that still go their own way after being explicitly prohibited by the superior, and to distinguish the unintentional negligence for promoting development from the violations of discipline and law for personal gain.

## **5. CASE EXPERIENCE SUMMARY IN PROMOTING THE INTEGRATION OF DISCIPLINE, LAW AND REASON IN THE PRACTICE OF S UNIVERSITY**

Relatively speaking, the disciplinary inspection departments in colleges and universities mainly use the first form of supervision and discipline enforcement, namely heart to heart talks, in the process of handling cases, and there are not many cases involving the second to fourth forms. This article will summarize the experience of S University in promoting the integration of discipline, law, and reason in specific cases involving party disciplinary actions.

### **5.1 Basic Information of S University and Relevant Cases**

S University is a public institution of higher learning supervised by the local provincial Department of Education. At present, the school has more than 800 teaching and administrative staff. The school has a discipline inspection commission, with 1 secretary of the discipline inspection commission, 1 director and 1 deputy director of the discipline inspection commission office, and 2

discipline inspection staff. In addition, the 13 secondary colleges of S University have set up the discipline inspection commission of the secondary college, and 21 administrative departments have jointly set up the discipline inspection commission of the agency, and equipped with corresponding discipline inspection staff.

In recent years, S University has investigated and handled a number of cases suspected of violating laws and disciplines. Among them, Xu's case of violating laws and disciplines and Lin's case of violating laws and disciplines of drunken driving have typical significance. Therefore, the next part of this article will summarize the specific experience in the investigation and handling of these two cases.

Brief introduction of Xu's case of violating laws and disciplines: Xu is a counselor of a secondary college of S University. He took advantage of his position to hold back the tuition fees of students. Later, he was reported, and the discipline inspection department of the school and the local judicial authority successively intervened in the case. Xu was eventually set term of imprisonment, expelled from the party and dismissed from public employment.

Brief introduction of Lin's case of violating laws and disciplines of drunken driving: Lin was a full-time teacher of a secondary college of S University, and was caught by the traffic police on the way home after drinking with his colleagues one day. After the incident, Lin took the initiative to inform the school leaders by telephone about the incident and made a profound review, and then the school discipline inspection committee intervened. Finally, Lin was given a warning.

## **5.2 Insisting on "Strict Management" Before "Great Kindness"**

"Strict management" means to prevent the teaching staff from taking the road of violating discipline and law through various ways such as system prevention and warning at all times, solve problems from the source, and prevent "handcuffing" by "pulling sleeves", which is the real "great kindness" for the teaching staff. The main measures of "strict management" include:

### **5.2.1 Doing a Good Job of Team and System Construction**

In terms of team construction, the first is to enrich the team of discipline inspection and supervision cadres. According to the recruitment plan, one person is transferred to the team from the local government. The provincial discipline inspection and supervision commission is currently assisting in the public recruitment of two discipline inspection and supervision cadres. It has established a working system of contact points for members of the discipline inspection commission. In combination with the fact that the school has set up a second-level party committee, it has set up a second-level discipline inspection commission, and appointed the secretary of the discipline inspection commission and the discipline inspection committee member. The second is to improve the professional ability of the discipline inspection team through training and other ways. It has organized discipline inspection and supervision cadres to participate in quality improvement training courses, and select full-time discipline inspection and supervision cadres to follow the case and study with the provincial discipline inspection commission. It has organized members of discipline inspection committee, full-time discipline inspection and supervision cadres, etc., to participate in the special online training on improving the ability of discipline inspection and supervision teams in colleges and universities. Third, it is to give full play to the role of the members of the discipline inspection committee at the university and college level in their work. The work is carried out with cross participation. For example, when it comes to personnel recruitment, cadre investigation and appointment, the discipline inspection committee of the secondary unit cross-participates in the supervision of other secondary units, so as to normalize the internal supervision and make the cross-supervision concrete.

In terms of system construction, it has integrated the construction work of the party conduct and of an honest and clean government into the work of party construction. It has formulated specific assessment indicators for the party construction work of all secondary units. This indicator system requires the deployment and arrangement of the party style and integrity construction work, discipline and work style construction, integrity education, power operation constraint and supervision, and strict management of the team of each secondary party committee.

### *5.2.2 Adhering to Discipline and Law Deterrence and Doing a Good Job of Warning Education*

On the one hand, the warning education should be carried out at ordinary times and before the case, and the school staff should be warned to preserve moral integrity through warning cases. For example, in the "three meetings and one lecture", a special study meeting on the construction of party conduct and integrity is set up. At the beginning of the year, documents such as Opinions on the Implementation of Discipline and Rules Education and Key Points for Discipline Inspection and Supervision were issued to provide specific guidance for the discipline and rules education of secondary units. On the other hand, the warning education after the incident can also not be ignored, and the cases that happen around people are often more shocking and educational. For example, S University held a warning education conference in the whole school on the night of Lin's driving violation. For another example, after Xu's violation of discipline and law, a special school-wide rectification activity was carried out to promote reform through cases. It focuses on investigating and handling cases and promoting reform through cases, promote the integration of handling cases, rectification and governance, and strive to investigate and deal with one case, warn one district, and govern one region.

### *5.2.3 Carrying out Special Problem Troubleshooting and Supervision Activities*

In view of new situations, new changes and possible risks in work and life, timely supervision, troubleshooting and rectification shall be carried out. For example, in response to the frequent "network-related" corruption of young cadres in other places, S University issued the Notice on Strengthening the Supervision of "Network-related" Corruption of Young Cadres, and carried out a special troubleshooting activity on this basis. In addition, S University has also carried out special rectification activities in the name of training, such as the investigation and rectification of public-funded tourism problems, the management of leading cadres going abroad for private purposes, part-time management and file management.

### *5.3 The Investigation and Punishment Will Not Be Soft in Case of Violation of Laws and Disciplines*

On the issue of the integration of discipline, law and reason, S University always adheres to the principle that discipline and law are first and rigid principles. Therefore, as long as it is verified that there are violations of laws and disciplines, regardless of the perpetrator's consistent performance, development potential and professional excellence, S University will resolutely deal with them and will never be soft-hearted. For example, in the case of violating laws and disciplines of drunken driving, Lin, as one of the youngest associate professors in the school, had excellent professional skills, good mass base and high student evaluation. After the case, he also took the initiative to report the relevant situation to the college leaders, admitted mistakes and reflected deeply. His drunken driving behavior was also subject to corresponding administrative punishment. Nevertheless, on the one hand, legal responsibility cannot replace disciplinary responsibility, and on the other hand, it is not allowed to turn a blind eye to his disciplinary offence because of his good performance and correct attitude when acknowledging a mistake. After his violation of discipline was verified, the discipline inspection department resolutely imposed party discipline punishment on him.

### *5.4 Adhering to Accountability and Doing a Good Job of Humanistic Care at the Same Time*

While adhering to accountability, the disciplinary inspection department can provide humanistic care in the following three aspects:

#### *5.4.1 Paying Attention to Tips for Handling Problem Clues*

First of all, attention should be paid to the tips for handling problem clues to avoid the expansion of influence and unnecessary influence on the work and life of the verified personnel. In the process of review and investigation, it should not only identify problems and correct mistakes, but also emphasize policy calling and education influence, release the temperature of humanistic care, help the comrades who have made mistakes to reflect deeply, recognize mistakes, and actively correct them, carefully and deeply write confession materials, interpret disciplines and laws in ideological

education, and preach and convey warm feelings in the enforcement of law and discipline.

#### **5.4.2 Making Risk Assessment and Response Plan**

Before the inspection, it is needed to assess the life, work and psychological conditions of the verified personnel from all aspects and perspectives, fully estimate their possible stress reactions and risks, and prepare a response plan. If the verified personnel are required to go to the designated place for inquiry, conversation and meeting, a good job of pickup and delivery should be done.

#### **5.4.3 Reasonable Use of "Discretionary Power" and Accurate Grasp of the "Four Forms" Scale**

It should make specific analysis of specific cases. According to the actual situation of each case and the comprehensive consideration of discipline, law and reason, and according to the specific circumstances of the case, such as the background, motivation, nature, plot, consequence, time node, confession and regret of the case, whether to voluntarily surrender and cooperate with the review and investigation, and other factors, it should distinguish different situations, grasp and apply the "four forms", and accurately apply the policy strategy. In particular, it should pay attention to the rational use of "discretionary power" within the scope of the policy while adhering to the rigidity of the policy. For example, in the case of Lin's case of violating laws and disciplines of drunken driving, according to Article 137 of the Chinese Communist Party's Disciplinary Regulations, a warning or a serious warning should be given. However, taking into account Lin's consistent performance, admission attitude and other factors, the discipline inspection department finally gave him a lighter punishment, that is, a warning punishment.

#### **5.5 Adhering to the Correct Value Orientation When Dealing with the Results**

Seeking truth from facts is the lifeline of discipline inspection and supervision work. It should always adhere to seeking truth from facts. It should adhere to the principle of proceeding from reality, taking the facts as the basis, and taking the party's discipline and national laws as the criterion, objectively verify and accurately determine the nature of the problem, treat the problem as it is

found, deal with the problem as much as it is examined, investigated and verified, apply the form as it applies, not be subjective and one-sided, not enlarge or reduce it at will, and be impartial and prevent injustice.

## **6. CONCLUSION**

To sum up, to promote the integration of discipline, law and reason in practice, first of all, it must adhere to the rigidity of discipline and law, and carry out an investigation if there is responsibility. On the other hand, it should adhere to reasonable humanistic care, put the supervision work ahead, reflect "great kindness" with "strict management", and run through human feelings and justice in the interpretation and application of discipline and law.

## **ACKNOWLEDGMENTS**

Fund project: Sichuan Minzu College Self-run Project "Empirical Study on Preventive Justice of Environmental Protection in China — From the Perspective of Trial Practice in Sichuan Province" (Project No.: XYZB2123SB)

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