

# *The Role of CPC Regulations in Chinese Judicial Decisions: An Empirical Study Based on Published Judgments\**

Fan Yang

## **Abstract**

Communist Party of China (CPC) regulations are a distinctive feature of China's political and legal system. The functions and status of these regulations have received considerable attention, and they have been assigned various normative positions within political and academic circles. This article presents empirical research on citations of CPC regulations in judicial decisions conducted to analyze their role in the judicial system and elucidate the interactive relationship between political power and the legal system in China. Several preliminary conclusions are drawn from statistical analysis of the types, timing, citation methods, and other characteristics of 29 important CPC regulations. In judicial practice, not only do CPC regulations serve as the basis of litigants' arguments, but judges sometimes cite them in the reasoning component of judicial decisions, particularly in administrative cases. The citation of these regulations in judgments has become increasingly frequent over time, which is to some extent a reflection of the

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**Fan Yang** is an Associate Professor of Law and a fellow of the Research Center for Judicial Data Application and the Center for Jurisprudence Research in Jilin University, China. Correspondence should be sent to [fany@jlu.edu.cn](mailto:fany@jlu.edu.cn).

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strengthening of the party-state system in the legal arena. At the same time, however, CPC regulations still differ in their application from national statutory laws, generally playing supportive and auxiliary functions. In essence, they are “soft laws,” which indicates the relative distance between political power and the judicial system in China.

“CPC regulations” (黨內法規 *dangneifagui*), as the appellation suggests,<sup>1</sup> refers to various rules, regulations, and codes of conduct within the Communist Party of China (CPC). Article 2, paragraph 1 of the 2013 Regulation for the Enactment of the Regulations of the Communist Party of China (the “2013 Enactment Regulation” hereafter), which is itself a CPC regulation, defines such regulations as

an umbrella term of Party rules and regulations, by which the Party’s central organizations and the Central Party Discipline Inspection Commission, the central departments and the Party committees of provinces, autonomous regions, and municipalities directly under the Central Government regulate the works and activities of the party organizations and party members’ behaviours.<sup>2</sup>

In practice, because the CPC is the only ruling party in China, and the party-state system constitutes the most important feature of the country’s political system,<sup>3</sup> CPC regulations play an integral role in the political life of contemporary China.

As a distinctive feature of the Chinese political system, the regulations have aroused widespread interest among politicians and academics alike. In recent years, the CPC Central Committee has increasingly paid attention to creating CPC regulations that combine the concepts of “ruling the country by law” and “ruling the party by regulations,” and promulgated the Outline of the Five-year Plan for the Enactment of CPC Regulations (2013–2017) on 28 November 2013.<sup>4</sup> In 2014, the fourth plenary session of the 18th CPC Central Committee then explicitly proposed immersing CPC regulations in the socialist legal system to facilitate the system’s development in tandem with national laws.<sup>5</sup> These measures have sparked heated debate among Chinese academics over such issues as the effective status of CPC regulations and their relation to national statutory laws. To uncover the prevailing trends in research articles on the topic of the regulations, I searched the China National Knowledge Internet (CNKI.NET) database using “CPC regulations” as the+