The Analysis of Statistics Legislative Value in China

ZHAO Qian[a],*; WANG Xiaping[a]

[a]Associate Professor, Law School, Southwest University, Chongqing, China.
*Corresponding author.

Abstract

Needs statistics legislation as an essential institutional guarantee for the development of statistics practice. The analysis of statistics legislative value can provide scientific guidance for construction of the concrete legislative norms. The utilitarian value analysis method can be used to illustrate the purpose attribute underlying in statistics legislative phenomena. Value target is a specific purpose contained in statistics legislation which is deemed as a kind of legal phenomenon; regarding law as the carrier objective, country, citizen and society as the function object objective, politics, economy and culture as the practice field objective. Value relation is the fundamental basis to realize the value target of statistics legislation. On the basis of clarifying the elements of value relation, a two-way interaction process between the subject and object of statistics legislative value can be generated via legislative requirement and value evaluation.

Key words: Statistics; Legislative value; Value target; Value relation

INTRODUCTION

As a normative document regulating China's statistics activities, statistics legislation is constituted by statistics laws, statistics administrative laws and regulations, statistics regulations and rules of ministries and commissions, local statistics regulations and local government statistics regulations and rules. The amendment of Statistics Law of the People's Republic of China (hereinafter referred to as Statistics Law) in 2009 symbolized that China's statistics legislation entered a new development period. Up to now, 129 statistics regulations of ministries and commissions, 159 local statistics regulations and rules and 66 statistics regulations of local governments have been amended. These statistics laws and regulations cover insurance statistics, post industry statistics, quality supervision inspection and quarantine statistics, mapping statistics, industrial and informationalized statistics, punishment of behaviors going against statistics laws and disciplines and so on. In 2014, National Bureau of Statistics of the People's Republic of China released *Provisions for the Enhancement and Standardization of Investigation and Punishment of Statistics Falsification Cases* based on several years of statistics work experiences. Though the *Provisions* clarifies the channels, handling and investigation subjects and classification of statistics falsification cases, and offers regulations for the investigation of statistics falsification cases to abide by, how to unify standards and goals in the regulation of complex statistics activities has become an issue of great concern. "Law is not only a code of conduct, but also a value orientation." (Wu & Yi, 2009) Thus, it is necessary to analyze the statistics legislative value in China, provide correct and immediate guidance for statistics legislation, and promote the unified and effective regulation of China's statistics activities.

Jeremy Bentham, a famous British jurisprudent, advocated that "the test of right and wrong is the greatest happiness of the greatest number," which was regarded by him as the value orientation of legislation. He also though that "the greatest happiness of all stakeholders is the only correct and general expectation of all actions."

(Bentham, 2000, p.57) To analyze the "basic purpose" and "purposiveness measurement" of different legislation phenomena is to find out the specific "social happiness" that different legislation phenomena aim to achieve. Based on that, the social relationship regulation and the distribution of rights and obligations between different social subjects of the "social happiness" can be explored. In other words, the analysis of legislative value should adopt the purpose property indicated by legislative phenomena and be conducted from the perspective of value purpose and value relationship. It is necessary to clarify the specific purposes and explore the bases of the specific purposes.

1. VALUE PURPOSES OF CHINA'S STATISTICS LEGISLATION

Value purposes of statistics legislation refer to the specific purposes of statistics legislation as a legal phenomenon. "Law" is its carrier purpose; "county, citizens and society" are its objective purpose; "politics, economics and culture" are its purposes in the practice field.

1.1 Carrier Purpose

The value purposes of statistics legislation cannot be separated from the legal norm carrier built by regulations and systems. "The value of all laws is realized through certain legal activities. All the legal activities rely on legal systems." (Zhuo, 2006, p.504) *The statistics legislative value should be realized through specific statistics legal norms. Statistics Law* (formulated in 1983 and amended in 1996 and 2009) is the only statistics system in China's legal hierarchy. In terms of administrative laws and regulations hierarchy, there is Procedures for *Reporting Balance of International Payments* (formulated in 2013), *Rules for the Implementation of the Statistics Law of the People's Republic of China* (formulated in 2005), *Regulations on the Composition of Gross Wages* (formulated in 1990), *Provisional Regulations for Statistics and Supervision of External Debt* (formulated in 1980), etc. (China Law Info., 2015, April 13).

The carrier purpose of statistics legislation is to build a clear and scientific statistics legal norms based on a systematic study of basic statistics theory, system arrangement and operation mechanism. With the continuous amendment of Statistics Law, China's current statistics laws and regulations have been kept improving in terms of their clarification and scientification. However, the incomplete statistics liability standards result in the obvious defects in terms of statistics legal behaviors, legal relationship, liability subjects, liability behaviors and liability forms. In particular, in terms of accountability forms, the punitive statistics legal liabilities should be improved so as to promote the sanctionization of China's statistics legal norms. From this perspective,

the realization of the carrier purpose of China's legislation can improve China's regulation of punitive statistics legal liabilities so as to effective punish various statistics unlawful acts, especially to combat the statistics falsification behaviors.

1.2 Object Purpose of Statistics Legislation

County, citizens and society form the traditional tri-objects of legal phenomena. As a legal phenomenon, statistics legislation shows its value purposes through its influence on country, citizens and society.

The influence of statistics legislation on the country mainly refers to the reasonable allocation of national statistics power. National statistics power mainly includes: the right to formulate statistics policies, planning and basic systems; the right to draw up national economic accounting systems; the right to investigate, collect, summarize, assort and release basic national statistics data; the right to conduct statistics analysis, prediction, monitoring and suggestion; and the right to conduct international statistics cooperation, etc.. A relatively reasonable national statistics power allocation mechanism is reflected in three aspects: First, the allocation of national statistics power resources should be struck a balance between the central government and the local governments. Under the leadership of the central government, the initiative and enthusiasm of the local governments should be fully utilized. Second, under the unified leadership of national statistics institution, the national statistics power resources are allocated to every functional department in a balanced way so as to achieve the balanced division of responsibilities, harmonious cooperation and mutual restriction. Third, the allocation of national statistics power resources should be transparent to the public, and provide the space for the public to participate in statistics activities and complete social monitoring mechanism.

The influence of statistics legislation on citizens refers to the enhancement of citizens' awareness of statistics laws in terms of content and level. As to content, statistics legislation can promote publicity and education of legal knowledge and guide citizens to form the evaluation (emotion and identification) and requirement (wish and expectation of future development) of statistics legal phenomena. In terms of level, it can improve citizens' psychological activities about statistics legal phenomena, including cognition, emotion and willpower. In other words, the intuitive, spontaneous and subconscious statistics legal mentality will be gradually sublimated into conscious and contemplative statistics legal ideas and theories.

The function of statistics legislation on society refers to the formation of the social foundation and environment required by the legal order of the statistics work, namely the statistics legal environment to achieve unity, fairness and justness in statistics activities. Unity is mainly reflected as implementation subjects, participation subjects

and monitoring subjects in various statistics activities can work with each other not only for profits, but also for the establishment of a community featuring mutual help. Statistics legislation functions on the statistics system framework through a series of reconciliation measures. Various subjects will not have conflicts with each other due to industrial boundaries and division of functions. At last, they can achieve a compromise and actively participate in statistics activities for the public good. The fairness and justness of a legal environment are mainly judged by whether various behaviors of statistics legal subjects and the concept of rule of law have been implemented. The statistics legal behaviors can be generally divided into four types: Statistical survey behaviors, statistical analysis behaviors, behaviors to provide statistics data and consulting suggestions and statistics monitoring behaviors. "As a dynamic or subjective concept, rule of law basically means acting by law." (Zhang, 2001) Statistics legislation should guide all these behaviors through systematic and clear regulations to regulate these subjects to act by law.

1.3 Purpose in the Practice Field

As a scope of social activities, field refers to human behaviors to achieve social harmony and social welfare goals. Politics, economics and culture are the standard practice field of legal phenomena. As a legal phenomenon, statistics legislation attempts to effectively organize statistics work, ensure the scientificness of statistics data and give full play to statistics in deepening the understanding of national conditions and strength. However, the function of statistics legislation in the practice field calls for the full play of guiders through their political, economic and cultural behaviors.

The function of statistics legislation on the political field is mainly related to the standardization and restriction of statistics power of people's governments at all levels, statistics institutions of the people's governments above the prefecture level and other relevant departments. The statistics legislation can classify the functions and rights of different functional departments, restrict their behaviors in terms of entities and procedures, adjust the relationship between government functional departments and the other statistics legal subjects.

The function of statistics legislation in the economic field is mainly related to the maximization of benefits of statistics activities. The statistics legislation can ensure the reasonability of various statistics standards, statistics investigation projects in terms of their benefits, and their contribution to social development through scientific regulation. The maximum benefits of statistics activities include maximum economic benefits and social benefits. To realize economic benefits mainly refers to the optimal allocation of relevant resources. The judgment criterion is the economic reasonability of various statistics standards and statistics investigation projects and their contribution

degree to the understanding of national conditions and strength. To realize social benefits mainly refers to the promotion of the rapid and coordinated development of national economic and social understandings "through accurate, timely, all-around and systematic statistics achievements with data, analysis, suggestions and countermeasures." (Li, 1994)

The function of statistics legislation on the culture field is mainly related to the improvement of citizens' qualities, and the sharpening of citizens' subject and right awareness in statistics activities. The subject awareness is the foundation for the formation of citizens' cognition of certain statistics activities. The awareness of right is the foundation for citizens' formation of relevant thinking ability and expression ability about statistics activities, which can make citizens to actively, consciously and clearly know their due rights in statistics activities, promote citizens' subject and right awareness and effectively improve citizens' qualities to contribute to the establishment of a good order for statistics work.

2. VALUE RELATIONSHIP OF CHINA'S STATISTICS LEGISLATION

Value relationship of China's statistics legislation refers to the statistics legislative fact relationship based on the purposes of statistics of legislation subjects. It is the foundation for the realization of statistics legislative value and purposes. "Value relationship refers to function of facts about the survival and development of subjects, namely the fact relationship based on the subject purposes." (Chou, 2001) To analyze the value relationship of statistics to legislation can be built on the clarification of value relationship elements, and realize the bilateral interaction between subjects and objects of statistics legislative value with legislation requirement and value evaluation as the medium.

2.1 Value Relationship Elements of Statistics Legislation

As a philosophical concept,

> "value" has its popular objective bases and expression forms. The popular bases and existence forms are a popular basic relationship of humans, namely one aspect of subject-object relationship. In other words, during the interaction of subjects and objects, due to the influence of subjects and internal scales, objects will stay close to subjects, thus resulting in the subjectification of objects to meet the demands and development of subjects. (Li, 2007, p.35)

The statistics legislative value relationship is a specific combination form between "a popular basic relationship among humans—An aspect of subject-object relationship" and the statistics legislative legal phenomenon. Its constitution elements include subjects, objects and media for the interaction (mutual tendency, approaching and services) between subjects and objects.

In the statistics legislative value relationship, subjects refer to citizens, social organizations and governments which show their subjective purposes while participating in statistics legislative value relationship, and creating, realizing and accepting statistics legislative value. The subjective purposes of citizens and social organizations are often based on the identity demands of statistics stakeholders. Statistics legislation can fully guarantee their sharing of various legitimate rights. The subjective purposes of the government are mainly based on the identity demands of enforcers of statistics power. Statistics legislation can fully guarantee the effective implementation and scientific regulation of its legislative rights.

In the statistics legislative value relationship, objects refer to those interacting with and serving the subjects, which are actually statistics legislation. These objects are constituted by their property, relationship and functions, and they can serve the subjects in the statistics legislative value relationship. As to property of these objects, it means that once the democracy, human rights, justness and order of statistics legislation meet the demands of subjects, the value of statistics legislation is generated. In terms of the relationship of these objects, it means that once the statistics rights, power and substantial relationship implied by statistics legislation, the value of statistics legislation is generated. In terms of functions of these objects, it means that the service of statistics legislation is directly reflected as the combination of statistics legislation functions and subject demands. Through the full play of specific functions, objects can serve the subjects, thus leading to the formation of statistics of legislative value.

In the statistics legislative value relationship, media for the interaction between subjects and objects refer to the approaches for the mutual approaching and service between subjects and objects. According to different existence forms of interactive media, there are material media, concept media and mixed media. First, material media refer to the material products of human activities, including statistics legal standards, statistics benefits and statistics legal behaviors. Second, concept media mainly exist in the ideological awareness and knowledge storage of subjects' minds, including professional knowledge, basic theories, general strategies and legal awareness of statistics. Third, mixed media are an orientation- and target-based concept with several material media as carriers. They are the major media for the formation of the interaction process between subjects and objects in the statistics legislative value relationship. They can be demonstrated as ideological systems based on clarified conceptual categories or unique traditions and customs. They can also exist unstably in the form of psychological activities with dense emotional color. They can be divided into two aspects. First, legislative requirement, which refers to subjects' specific textualized appeal to statistics legal norms based on their demands and understanding of objects. Second, value evaluation, which refers to subjects' value judgment of statistics legal norms and their functions based on the understanding of the objective texts.

2.2 Interaction Between Subjects and Objects in Statistics Legislative Relationship

The interaction between subjects and objects in statistics legislative relationship is a specific form for the interaction and practice of subjects and objects. The interaction process can be divided into four steps. First, subjects put forward the legislative requirements based on their subjective requirements and understanding of objects. Second, subject demands exert an influence on objects and result in their changes. Third, based on the understanding of objects and referring to the previous legislative requirements, subjects conduct the value evaluation of the subject texts and their functions after changes. Fourth, based on the results of value judgment and combining the subject demands and their understanding of objects, new legislative requirements are generated. The new legislative requirements will function on objects, thus changing them and entering the follow-up steps. The interaction is a cyclic process.

In terms of legislative requirements, there are two steps. First, put forward legislative requirements. The statistics legal norms should be put forward based on different statistics activities in various industries, and different interest demands of various subjects. Second, meet the legislative requirements. As an ordinary department law, statistics law has the same legal hierarchy of the ordinary laws. It is highly flexible in terms of its putting forward, review and voting procedures. In this way, it can easily change the objects in the value relationship.

In terms of value evaluation, there are two steps as well. First, evaluate the legislative texts, which mean the value judgment of the content design and technical application of statistics to legal norms, and the conclusion about superiority and level through static analysis. In terms of legislation content, whether the legislative purposes are rightful, whether the standard design is scientific and whether the institutional design is comprehensive should be analyzed. In terms of legislative techniques, whether the legislative structure, order, language and expression are standard ambiguous should be analyzed. Second, evaluate the legislative functions. (The evaluation should be conducted after legislation.) In this step, the practical role of statistics legal norms in the statistics activities is evaluated to see whether they conform to the faith, reason and pursuit of legislative subjects, and conclude about whether it is positive through dynamic analysis. The positiveness and negativeness of legislative function are often restricted by factors, including reasonability of legislative texts, progressiveness of relevant institutional backgrounds, efficacy of institutional content and legal awareness level.

CONCLUSION

In terms of the value purposes of China's statistics legislation, the well-structured and scientific legal norms should serve as the carrier purpose; the realization of rational allocation of national statistics power, enhancement of citizens' legal awareness and the constitution of a just and fair statistics legal environment as the object purpose; the regulation of government statistics power, the maximization of the benefits of statistics activities and the promotion of citizens' subject and right awareness as the purpose in the practice field. As the statistics legislative fact relationship based on the statistics legislative subject purpose, China's statistics legislative value relationship should clarify its three elements, namely subjects, objects and media for the interaction between subjects and objects. Then, based on the relevant legislative requirements and value evaluation, the bilateral interaction process between subjects and objects of statistics legislative value is generated.

REFERENCES

Bentham, J. (2000). *An introduction to the principles of morals and legislation* (p.57). In Y. H. Shi (Trans.). Beijing, China: The Commercial Press.

China Law Info. (2015, April 13). *Laws and regulation retrieval.* Retrieved from http://www.pkulaw.cn/

Chou, D. H. (2001). *Mathematic sentics* (p.101). Changsha, China: Hunan People's Press.

Li, D. S. (2007). *Axiology*. (2nd, ed., p.35). China Renmin University Press.

Li, Z. Y. (1994). A preliminary exploration of statistical work. *Statistical Research,* (3), 40-44.

Wu, Z. Y., & Yi, S. G. (2009). A preliminary study of value orientation of China's legislation. *Journal of Gansu Institute of Political Science and Law,* (3), 10-15.

Zhang, W. X. (2001). *Legal philosophical category research* (revised edition, p.154). China University of Political Science and Law Press.

Zhuo, Y. Y. (2006). *Axiology of law* (p.504). Law Press China.