

The Status and Role of International Private Law in Implementing Xi Jinping Thought on the Rule of Law: From the Perspective of Coordinating the Promotion of Domestic and Foreign-Related Rule of Law

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Xi Jinping Thought on the Rule of Law points out the way for the development of the rule of law in our country, and in the field of international private law, the most important thing is to “promote the domestic rule of law and foreign-related rule of law as a whole”. If international private law wants to apply Xi Jinping Thought on the Rule of Law, it must maintain a decisive status and play an irreplaceable role in “promoting domestic rule of law and foreign-related rule of law as a whole”. In terms of status, international private law plays an important role in promoting the construction of domestic rule of law, plays a core role in promoting the construction of foreign-related rule of law, and occupies a leading status in coordinating the above two. In terms of the role, in the three specific tasks of coordinating the promotion of domestic and foreign-related rule of law, international private law plays different and unique roles: international private law is the builder of foreign-related rule of law system, the builder of China’s great power image and the defender of international rule of law order, and the participant and promoter of China’s global governance. In the future, Chinese international private law will continue to develop, such as the construction of an extraterritorial legal application system, ratification of important international conventions, etc. Therefore, in the context of promoting domestic and foreign-related rule of law, international private law will continue to occupy an important status and play a unique role, to better implement Xi Jinping Thought on the Rule of Law.

Keywords: Xi Jinping Thought on the Rule of Law, promoting domestic rule of law and foreign-related rule of law as a whole, international private law, status, effect

Introduction

With the changes in the international community and the rapid pace of domestic development, the rule of law has become a strategy for social governance, and it is also a good way to deal with the obstacles of

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development. Since 2019, Xi Jinping has explicitly requested to strengthen the construction of foreign-related rule of law (Central People's Government of the People's Republic of China, 2019). In November 2020, the Central Committee of the Party held its first special meeting on comprehensively law-based governance and officially established Xi Jinping Thought on the Rule of Law as the guiding ideology for comprehensively law-based governance. This important thought represents a major theoretical innovation, and it serves as the guiding principle (Xinhua News Agency, 2020) for relevant work in the future, and provides a fundamental basis for China to build a socialist country under the rule of law (Han & Liu, 2022). The conference condensed Xi Jinping Thought on the Rule of Law into "eleven adherence", among which "continue promoting domestic rule of law and foreign-related rule of law as a whole" is an important content, which is especially worthy of the attention of international law scholars.

Specific to the field of international private law¹, this content holds greater value and serves as a framework. It points out the direction and plans the road for the legislation, development, and practice of international private law. If international private law wants to carry out Xi Jinping Thought on the Rule of Law, it must occupy a unique status and play a significant role in promoting domestic rule of law and foreign-related rule of law as a whole. International private law adjusts foreign-related civil and commercial relations (Zhao, 2024), and its content, system, and development all reflect the development situation and level of the entire domestic rule of law and foreign-related rule of law. It not only has a significant impact on domestic and foreign-related rule of law respectively, but also has a unique bonding and boosting effect for the overall development and coordination between them. Abstractly speaking, the principles of international private law can be said to be the rope in promoting the work, the system of international private law is the fixed frame for the overall development of the two, and the legal content and implementation of international private law is the foothold of the overall promotion, in addition, the scholars of international private law and relevant foreign-related talents are the core force of this work. Therefore, this paper will discuss the status and effect of international private law in implementing Xi Jinping Thought on the Rule of Law, mainly from the perspective of coordinating the promotion of domestic rule of law and foreign-related rule of law, and put forward suggestions for the relevant development of China.

The Status of International Private Law in the Implementation of Xi Jinping Thought on the Rule of Law

About the status of International Private Law in the implementation of Xi Jinping Thought on the Rule of Law, from the perspective of the task of promoting domestic rule of law and foreign-related rule of law as a whole, I will discuss it from three aspects: promoting domestic rule of law, promoting foreign-related rule of law, and overall planning, as follows.

First, international private law plays an important role in promoting domestic rule of law. For the construction of domestic rule of law, international private law is an indispensable member and an important module of

¹ The content of international private law mentioned in this paper refers to the "general international private law" in a broad sense, that is, in addition to the norms of the civil legal status of foreigners and the conflict rules, it also includes the norms of international civil litigation and international commercial arbitration, the norms of international unified civil and commercial entities and the norms of domestic civil and commercial entities. At the same time, when discussing the status and effect of international private law, it not only refers to the provisions of international private law but also refers to the whole field of international private law, including the legislation, law enforcement, judicial issues, as well as the relevant theories and scholars of international private law.

domestic law (Fei, 2018). Nowadays, the world's economic and trade exchanges are becoming more and more frequent, and the foreign-related civil and commercial relations are becoming increasingly affluent and complex. Therefore, the improvement of domestic international private law sometimes even rises to the primary position of the task of improving domestic rule of law in the new era. On the other hand, the improvement and development of international private law can also inject new vitality into other domestic laws. In short, international private law is in an irreplaceable and important status, whether it has a positive influence on other individual laws or the improvement of the whole rule of law system.

Second, international private law plays a central role in promoting foreign-related rule of law. Foreign-related rule of law is the connecting axis between domestic and international rule of law (Huang, 2021). The improvement of foreign-related rule of law will enhance the level of national rule of law and governance capacity internally, strengthen international cooperation, and broaden national interests externally. The international law of a country must be at the core of the promotion of foreign-related rule of law, and we believe that private international law can be described as the core of the core heart. The reason is that international private law will not be mixed with too many topics between politics and public power, and it is in the field of civil and commercial affairs that is most likely to achieve in-depth and extensive cooperation. With the development of international trade and commerce, international private law plays a core role in the promotion of foreign-related rule of law. However, at present, there are some lags and gaps in our foreign-related rule of law, which is also where international private law needs further efforts.

Third, international private law plays a leading role in coordinating domestic and foreign rule of law. Domestic rule of law and foreign-related rule of law are not completely separated from each other, but complement each other and coordinate with each other. Domestic rule of law is the cornerstone of foreign-related rule of law, and foreign-related rule of law is the extension of domestic rule of law. Because of the existence of international private law, the domestic rule of law must pay attention to foreign-related issues through this tunnel, and cannot stand still and refuse to make progress. Similarly, because of the existence of international private law, the foreign-related rule of law can align with the domestic rule of law and avoid becoming a baseless construct. Whether in legislation, law enforcement, or judiciary, under the guidance of international private law, domestic and foreign-related rule of law need to consider each other, fill the gaps, improve the mechanism of each other, and jointly develop. It can be said that international private law serves as both the adhesive and the catalyst and holds a leading position in coordinating domestic and foreign rule of law issues.

The Role of International Private Law in the Implementation of Xi Jinping Thought on the Rule of Law

After clarifying the status of international private law in implementing Xi Jinping Thought on the Rule of Law, we can analyze the specific role that international private law can play in it according to its positioning. Similarly, from the perspective of the task of coordinating the promotion of domestic rule of law and foreign-related rule of law, we must first clarify the core meaning of this task itself.

According to Xi Jinping speech and the decisions made during the meeting, several key steps are required to coordinate the promotion of both domestic and foreign-related rule of law. First, we must establish a comprehensive foreign-related legal framework, utilizing international law across three critical areas—legislation, law enforcement,

and judiciary—to safeguard national interests and address global challenges collectively. Second, the rule of law should be used to strengthen China’s image as a major nation by deepening international cooperation and upholding the international order (China Internet Information Center, 2020). Third, China should actively engage in global governance to build a community with a shared future for humanity (Ma, 2021). In these three areas, international private law plays a crucial and distinct role. For the foreign-related legal system, it serves as a foundational pillar. Regarding China’s international image and the global legal order, international private law helps construct and preserve these frameworks. Additionally, in global governance, international private law functions as both a participant and a promoter. The specific details are outlined below.

Builders of the Foreign-Related Rule of Law System

Foreign-related rule of law is the link between domestic and international rule of law. To coordinate the development of domestic and foreign rule of law issues, the construction of a foreign-related rule of law system is the core task at this stage, and it is also the key guarantee for the comprehensive rule of law construction. International private law can be said to be the primary builder of the foreign-related rule of law system. At present, the most important “construction of the system of extraterritorial application of domestic law” is the major task of the international private law session. In addition, it is necessary to deeply improve the legislation, law enforcement, and judiciary which are three aspects of private international law, to make the strategic layout, to better protect our sovereignty and interests, and to cope with the challenges of the times.

First of all, in the construction of a foreign-related rule of law system, the extraterritorial application of domestic law is an important task, which is an important issue mentioned by Mr. Xi at the meeting in 2019 (Central People’s Government of the People’s Republic of China, 2019), which is also a practical example of the construction of a foreign-related rule of law system. With the rapid changes in the world, the territorialism of domestic law has gradually changed, and the effect of domestic law has long broken the extraterritorial boundaries. Especially in recent years, the United States has begun to strongly formulate laws with extraterritorial effect, and greatly promote the application of domestic law outside the United States. However, the international community has international legal order and rules of international law. No one can tolerate his reckless rampage, even if it has great national power. If China wants to remain invincible in the new era, it must try its best to establish a full set of domestic laws applied outside the territory as soon as possible, rationally respond to other countries’ attacks and interference, protect its interests, and evaluate the situation, stride forward, turn challenges into opportunities.

Specifically, the first step for China to implement the extraterritorial application of domestic law is to have laws and regulations to clarify the boundary and connotation of extraterritorial effects. The second step is to determine the steps, methods, and guidelines for the extraterritorial application of laws and regulations. The third step is to improve the supporting system, including consolidating the relevant theoretical basis, three-dimensional cooperation with the court, expanding foreign-related talents, and enhancing international legal competition and influence. At present, China’s relevant legislation is insufficient, only a few laws mention this issue, but the provisions are vague (Liao, 2019). Although the court has made up for this, such as supplementary interpretations, etc., the standard, level, and scale are uneven and far from the ideal state. Next, the construction task of international private law on this issue must first take several principles as the banner, including the principle of

rule of law, the principle of compliance with international law, the principle of appropriateness, and the principle of problem orientation and risk prevention, that is to say, based on China's national strength and conditions, while not violating the principle of international law as the bottom line, so as not to fall into disarray. Then, it is targeted to prevent risks and solve problems, and then take legislation, law enforcement, judiciary, and law-abiding as the four camps (Xiao & Jiao, 2020). To build the cornerstone of legislation, pay attention to the timely and flexible rules, and give priority to improving important areas, such as the compilation of the *International Private Code*, the improvement of the *Anti-monopoly Law*, the *Cybersecurity Law*, and blocking law legislation. Enhance the ability and enthusiasm of law enforcement and justice, such as the introduction of the principle of effect in the field of infringement, the development of data processing technology, etc., so that law enforcement and judicial departments can move freely while paying attention to the unique role that the court can play in it, especially the justice itself is gentle and persuasive (Huo, 2020), to open up the scope of international cooperation for our country and create a good image. Finally, internally improve the legal literacy and law-abiding awareness of each session, and comprehensively improve the construction of the extraterritorial application system of Chinese law.

In the process of building China's foreign-related rule of law system, with the changes in the international situation and the increasing complexity of national interests, China has successively issued a series of important laws and regulations to deal with unreasonable sanctions and interference from foreign countries and strengthen the legal protection of foreign relations. These laws and regulations not only enrich China's foreign-related rule of law system but also further consolidate the important role of international private law in safeguarding national sovereignty and interests.

First of all, on May 31, 2019, the Ministry of Commerce of the People's Republic of China announced the establishment of the *Unreliable Entity List System*. This system makes it clear that foreign enterprises or individuals that do not abide by market rules, deviate from the spirit of contracts, blockade or cut off supply for Chinese enterprises for non-commercial purposes, and seriously harm the legitimate rights and interests of Chinese enterprises will be included in the list. In January 2021, the Ministry of Commerce announced the *Measures to Block the Improper Extraterritorial Application of Foreign Laws and Measures*² (hereinafter referred to as the Blocking Measures), which is the first Blocking Law in China. This is a countermeasure against the unwarranted and unlawful extraterritorial implementation of domestic laws by various nations. A significant focus will be the recent instances where the United States has overstepped boundaries, both overtly and clandestinely coordinating secondary sanctions through its government and federal courts (Huo, 2020). These actions have gravely infringed upon our country's legitimate interests. As a result, our nation has developed norms to protect our rights and interests and to guard against similar risks in the future. If the blocking measures are understood from a broader perspective, they also include the obstruction of extraterritorial evidence collection, etc., which will not say more than is needed here (Shang, 2021). The blocking measures mainly prohibit the relevant subject from abiding by the specific foreign law, and allow the parties to claim against the foreign law causing the loss, then finally block the effect of foreign law on us (Ye, 2020). The use of an overview-type

² Website of Ministry of Commerce of the People's Republic of China, <http://www.mofcom.gov.cn/article/b/g/202102/20210203040345.shtml>.

legislation³ rather than a list of foreign laws, which requires implementation on a case-by-case basis, is more flexible and forward-looking. The formulation of the blocking measures must be careful, otherwise, the parties may fall into a situation that is in dilemma (Xu, 2021). Or the rules may become a mere formality. However, the blocking measures establish a mechanism of immunity⁴. Therefore, if enterprises encounter similar problems in practice, they can take the initiative to safeguard their rights and interests (Liao, 2021). Subsequently, on June 10, 2021, the Standing Committee of the National People's Congress passed the *Anti-Foreign Sanctions Law of the People's Republic of China*. The introduction of this law marks an important step in China's response to unreasonable foreign sanctions. *The Anti-Foreign Sanctions Law* clarifies the subject, object, and method of implementation of countermeasures, and allows the imposition of measures against foreign entities or individuals that impose sanctions, including entry ban and asset freezing. This provides a solid legal foundation for our country to resolutely defend our national interests in the international rule of law system.

The latest *Foreign Relations Law of the People's Republic of China* was passed by the Standing Committee of the National People's Congress on June 28, 2023. This law systematically stipulates the legal status and basic principles of our country in international relations, and further clarifies the legal basis and basic framework of our country in dealing with international affairs. The formulation of *Foreign Relations Law* is not only a reaffirmation of the principles of international law, but also a legal guarantee for China to play a greater role in the international community, and provides all-round support for the further improvement of the foreign-related rule of law system. The *Foreign Relations Law* plays a core role in the construction of China's foreign-related rule of law. It mainly ensures that Chinese legal practice in international affairs is more standardized by clarifying responsibilities, coordinating relations, and connecting domestic and foreign laws. It not only provides a legal basis for the functions of state organs and related entities at all levels in foreign affairs but also effectively balances the relationship between domestic law and international law and ensures the coordinated operation within the foreign-related legal system. To further enhance the effectiveness of the law, attention should be paid to enhancing its adaptability in the field of international law, while ensuring its coordination and consistency with domestic law.

Through the implementation of the above laws and regulations, China has gradually built a comprehensive and strict foreign-related rule of law system. In this system, international private law plays an indispensable role, especially at the legislative, law enforcement, and judicial levels, which provides strong legal support for China to safeguard its sovereignty, security, and development interests. The introduction and implementation of this series of laws and regulations show that China can cope with international challenges more calmly and further consolidate its position and influence in the international rule of law system.

³ Article 2 in the *Measures to Block the Improper Extraterritorial Application of Foreign Laws and Measures*: This Measure applies to the situation where the extraterritorial application of foreign laws and measures violates international law and the basic norms of international relations, and improperly prohibits or restricts Chinese citizens, legal persons or other organizations from conducting normal economic and trade activities with third countries (regions) and their citizens, legal persons or other organizations.

⁴ Article 8 in the *Measures to Block the Improper Extraterritorial Application of Foreign Laws and Measures*: Chinese citizens, legal persons, or other organizations may apply to the competent commercial department of the State Council for exemption from the prohibition. If the applicant applies for an exemption from the prohibition, the applicant shall submit a written application to the competent commercial department of the State Council. The written application shall include the reasons for applying for exemption and the scope of applying for exemption. The competent department of commerce under the State Council shall decide on whether to approve or not within 30 days from the date of accepting the application. Decisions should be made in time in an emergency.

The construction of foreign-related rule of law should not only seek development but also be able to resist risks and be able to respond to unreasonable interference from the outside world to protect its interests. Under the level of international private law, the careful formulation of blocking law is a good example. The anti-sanction law promulgated by the state and the blocking measures issued by the Ministry of Commerce, as well as a series of regulations, can effectively respond to the secondary sanctions of the United States, improve the construction of China's extraterritorial law application system, to improve the construction of foreign-related rule of law, and enhance the discourse power and influence of our country's law.

In addition to the extraterritorial application of the above laws, international private law is building a cornerstone for the foreign-related rule of law system in three aspects: legislation, law enforcement, and judiciary. First, in terms of legislation, a dynamic and perfect legal system is the basis for building a system. For example, the *Law of the People's Republic of China on the Application of Law to Foreign-related Civil Relations* in 2012 is the core module of Chinese international private law and an indispensable jigsaw in the map of socialist rule of law. Of course, with the entry into force of the *Civil Code of the People's Republic of China*, Chinese international private law will adapt to the changes and upgrade the law applicable to the law, including clarifying the relationship between several principles, solving the application problems and intersecting with other laws, to create an upgraded version of the law applicable to the *Law of the People's Republic of China on Application of Laws to Foreign-Related Civil Relations 2.0* (Ding, 2019). Moreover, after the construction of the Hainan Island Free Trade Pilot Zone in 2018, the local government formulated a series of management regulations accordingly⁵, to adapt to the development of the pilot zone and open up convenient channels for foreign-related exchanges. Additionally, the *Foreign Investment Law* and associated regulations, enacted in 2019, have unequivocally defined the legal status of foreign-funded enterprises. They have established the principles of pre-establishment national treatment and meticulously detailed the managing mechanisms. These rules aim to regularize relevant legal relations, lure foreign investment, and bolster cooperation. This reflects the cutting-edge concepts in the domain of international private law. The aforementioned laws, along with the blocking measures instituted by the Ministry of Commerce, can align with domestic policy requirements and economic and trade development. Furthermore, they can fortify international collaboration to handle global challenges and assorted risks.

Second, in terms of law enforcement, China is actively carrying out cross-border cooperation, establishing more than one hundred bilateral and multilateral cooperation relations, and joining many international organizations. For example, on the issue of anti-monopoly, countries generally implement extraterritorial jurisdiction of domestic law, and there is no strong international uniform standard. Therefore, the Ministry of Commerce has reached anti-monopoly-related cooperation intentions with 10 countries, exchanged law enforcement experience, and created a law enforcement cooperation model (Xiao, 2019).

Thirdly, in terms of judicature, the Supreme Court has issued judicial interpretations of *the Law of the People's Republic of China on the Application of Laws to Foreign-Related Civil Relations*, *Foreign Investment*

⁵ Such as *Regulations on the Administration of Business Registration in China (Hainan) Pilot Free Trade Zone*, *Regulations on Minimalist Approval of Key Parks in China (Hainan) Pilot Free Trade Zone*, *Regulations of Hainan Free Trade Port Boao Lecheng International Medical Tourism Pilot Zone*, *Regulation of Sanya Yazhouwan Science and Technology City in Hainan Free Trade Port*, etc.

Law, and other laws, as well as opinions related to maritime trials⁶. International private law has determined the concept of justice for foreign-related judicial work, broadened the path of identifying applicable laws, standardized legal instruments, implemented judicial openness, and trained foreign-related judicial trial talents (Zhou, 2021). All have contributed unique strengths.

In the future, as a builder of the foreign-related rule of law system, international private law will certainly continue to fill the gaps, improve development, and strengthen the foundation of the foreign-related rule of law system.

Builder of China's Great Nation Image and Maintainer of International Order

The second focus of promoting the domestic rule of law and foreign-related rule of law is that China should participate in international affairs and maintain the international order in a great-nation image. The effect of international private law in it, we describe as a great-nation image builder and order defender. Because China should not only actively sign bilateral agreements on international private law, but also promote the achievement of several important international conventions related to international private law. These works can undoubtedly be called the builders of a great national image. In addition, in the current epidemic situation, we must also maintain a healthy environment for the rule of law in our country and even in the world, reasonably resolve frivolous lawsuits, lead a positive and peaceful behavior, let the international system take the United Nations rather than a great power as the core, and let the international order be based on international law rather than nuclear weapons.

Specifically, in only one year in 2022, China has concluded more than 100 bilateral treaties and agreements (Ministry of Foreign Affairs, 2022), including civil aviation issues and intellectual property issues related to international private law. In terms of multilateral and international conventions, two conventions need to be mentioned in particular. The first one is the *Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters* signed in 2019, which is a new consensus reached by countries in the field of foreign-related civil and commercial legal issues after the *Convention on Choice of Court Agreement*. It is also the first convention on the global circulation of civil and commercial judgments (Shanghai Law Society, 2019), and its significance is self-evident. During the negotiation process, several proposals proposed by our representatives (such as anti-monopoly and other aspects) were passed, and actively promoted the entire process, leading the topic discussion, and finally reached unprecedented new results. It is certain that to further promote the construction of domestic rule of law and foreign-related rule of law, the field of international private law must continue to develop beyond this point. We also need to continue to improve the relevant laws and supplement the supporting facilities, prepare for the ratification of the convention, and deeply solve the problem of the circulation of judgments, such as determining better conditions for recognition, clearer criteria for the determination of reciprocity, improving the norms of indirect jurisdiction, and clarifying the boundaries and scope of public order and due process (Zhang, 2020).

⁶ The full name is *Several Issues Concerning the Application of the Law of the People's Republic of China on the Application of Laws to Foreign-Related Civil Relations (II), Interpretation of the Supreme People's Court on Several Issues Concerning the Application of the Foreign Investment Law of the People's Republic of China, On the Comprehensive Promotion of Foreign-Related Commercial and Maritime Trial Boutique Strategy for the Construction of an Open Economic System and the Construction of a Maritime Power to Provide Strong Judicial Protection of the Views*.

Another one that needs special mention is the *United Nations Convention on International Settlement Agreements Resulting From Mediation*, which China also signed in 2019, known as the *Singapore Convention on Mediation* (hereinafter referred to as the *Mediation Convention*). Looking back at the *New York Convention*, it has greatly promoted the development of international commercial arbitration, and now mediation conventions have received even more attention than in those years (Lian, 2021). Internally, it will not only promote the innovation of domestic commercial mediation, but also optimize the business environment, and provide more parties with a good way to peacefully resolve business disputes. Externally, it has opened up a new road in the field of international commercial mediation, which will promote the rapid development of this field and bring more harmonious factors to global economic and trade exchanges. However, China has not simply been an active participant and signatory; it has also contributed significantly with its unique wisdom (Duan, 2020). The signing of these conventions in the realm of international private law reaffirms the crucial role of international private law in shaping our nation's image as a major global player and in upholding international order. Going forward, the international private law academic community must persevere tirelessly. Since the current domestic mediation system is not yet aligned with international agreements, there is an urgent need to formulate new laws. Emphasis should be placed on refining the review and confirmation system to prevent fraudulent mediation and ensuring the availability of adequate and professionally trained mediators. This would facilitate a smooth integration of the convention with domestic laws, allowing it to fully exert its impact.

It can be seen that China's participation in international affairs and the promotion of the benign development of the international legal order cannot be separated from the relevant work and the efforts of scholars of international private law. International private law has played an irreplaceable role in building China's great-nation power in the international community and maintaining the international order.

Participant and Promoter of China's Global Governance

"Promoting global governance and building a community with a shared future for mankind" (China Internet Information Center, 2020) is the ultimate idea and sublimation spirit of coordinating domestic and foreign-related rule of law work. In our view, the role of international private law is to play the role of participant and promoter. Global governance signifies a nation's capacity to address global concerns and offer solutions and public services to the world. This not only necessitates robust economic, political, military, and scientific infrastructure of a country but also demands an expansive policy portfolio, innovative product generation, and flexible operational conditions (Wu & Wang, 2019). Moreover, the degree of a country's rule of law serves as a critical measurement in global governance. During this procedure, international private law becomes instrumental as it harmonizes the domestic nation's interests with those of the world, integrating both domestic and international rule of law (Zhao, 2014). Consequently, it assumes a pivotal role in this context.

For example, the "Belt and Road" Initiative embodies China's new model of leading and implementing global governance reform and contributes Chinese talents to this. While in the field of international private law, on the one hand, traditional bilateral and multilateral agreements, provide legal support for economic and trade exchanges of countries along the route and solve the worries caused by legal conflicts in economic activities. On the other

hand, it is worth mentioning in particular that, by relevant opinions and regulations⁷, China has developed a new mechanism to integrate several international commercial arbitration institutions into one-stop dispute resolution institutions (International Commercial Court, 2018), and set up an international commercial court by the Supreme People's Court, intending to work together with international commercial arbitration and mediation institutions, a comprehensive approach to dispute resolution, including litigation, arbitration, and mediation, as well as support and supervision of arbitration and mediation (Xue & Cheng, 2020), such as promoting the implementation of mediation agreements, providing conservatory measures for arbitration, and so on. For the Court to play its ideal role in the future, it cannot do without the improvement of legislation, experimental trials, and measures, but its original intention is a breakthrough creation for resolving multilateral disputes and holds great potential for the future.

In the face of the COVID-19 pandemic, China has once again demonstrated its great power style and global governance capabilities. The government has responded quickly, taken effective measures, and has a solid medical foundation. At the level of the rule of law, in the face of the indiscriminate actions of various people and groups in Western countries, from the perspective of international private law, we also have the strength to calm response, including the use of *Hague Service Convention*⁸ to respond to illegal service, the theory of state immunity to respond to prosecutions and adverse judgments (which have not yet existed), etc. In the future, we should improve the relevant theories and rules of state immunity, thereby also laying the foundation for the ratification of relevant conventions⁹.

In the process of participating in and reforming global governance, China solves problems in the field of international private law, uses the principles and concepts of international private law as the guiding ideology, and jointly promotes the development of domestic and foreign-related rule of law. All these cannot be achieved without foreign-related talents in the field of international private law and practice. And there is a shortage of foreign-related legal talent in China (Wang, 2019). As researchers interested in the study of international private law, we should study the relevant rules and cases diligently to consolidate our academic abilities, improve our language level, and broaden our knowledge of related disciplines such as economics, to become composite talents and contribute our humble strength to international private law.

In short, international private law provides a legal guarantee for China's participation in and reform of global governance. If "promoting global governance and building a community with a shared future for mankind" is the guiding ideology for the advancement of international private law (Huang et al., 2019), then the practice of international private law is to transform the ideal into reality, make it concrete, legalized, and institutionalized (Peng, 2019) and follow along with the rules of international private law.

Conclusion

Promoting the domestic rule of law and foreign-related rule of law as a whole in Xi Jinping Thought on the Rule of Law is an important development goal of Chinese rule of law construction, and also the guiding ideology

⁷ *Opinion on Establishing an International Commercial Dispute Resolution Mechanism and Institutions for the Belt and Road Initiative. Provisions of the Supreme People's Court on Some Issues Concerning the Establishment of International Commercial Courts*, etc.

⁸ In 1965, the *Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters*, referred to as the *Hague Service Convention*, entered into force for China on January 1, 1992.

⁹ It mainly refers to the *Convention on Jurisdictional Immunities of States and Their Property* signed by China.

of the development of international private law in China at the present stage. Therefore, if international private law wants to apply Xi Jinping Thought on the Rule of Law, it must maintain a decisive status and play an irreplaceable role in promoting domestic rule of law and foreign-related rule of law as a whole. In terms of status, international private law plays an important role in promoting the construction of domestic rule of law, plays a core role in promoting the development of foreign-related rule of law, and occupies a leading status in coordinating the above two. In terms of the roles, in the three specific tasks of coordinating the promotion of domestic and foreign-related rule of law, international private law plays different and unique roles: international private law is the builder of foreign-related rule of law system, the builder of China's great power image, and the defender of international rule of law order, and the participant and promoter of China's global governance. In the future, we should continue to improve domestic and foreign-related laws and regulations, actively participate in the formulation and implementation of international conventions, regularize the handling of foreign-related civil and commercial issues, and enrich the foreign-related talent pool (Huang, 2017). Let international private law hold an important status and play a unique role in coordinating the promotion of domestic and foreign-related rule of law issues, to better implement Xi Jinping Thought on the Rule of Law.

References

- Central People's Government of the People's Republic of China. (2019). Xi Jinping presided over the second meeting of the Rule of Law Commission of the CPC Central Committee and delivered an important speech. Retrieved from http://www.gov.cn/xinwen/2019-02/25/content_5368422.htm
- Che, P. Z. (2024). The command of foreign relations law over Chinese rule of law in foreign affairs. *Science of Law Journal*, 45(1), 128-140.
- Cheng, H. E. (2020). The response of Chinese courts to the innovation of the implementation mechanism of the Singapore mediation convention from the perspective of the development of extraterritorial rule of law. *Journal of Law Application*, 35(24), 46-54.
- China Internet Information Center. (2020). The core meaning of Xi Jinping Thought on the Rule of Law. Retrieved from http://t.m.china.com.cn/convert/c_yr5P0G9O.html
- Ding, W. (2019). The Civil Code of the People's Republic of China codifies Law of the Application of Law for Foreign-related Civil Relations 2.0. *Oriental Law*, 12(1), 30-42.
- Duan, M. (2020). The impact of the Singapore Convention on Mediation and the response of Chinese commercial mediation. *The Journal of Business Research*, 55(8), 129-137.
- Fei, Z. Y. (2018). Reunderstanding of international private law in China. *The People's Court Daily*, January 24, 2018.
- Han, X. P., & Liu, Y. F. (2022). On the significant original contribution of Xi Jinping Thought on the Rule of Law. *Social Sciences Research*, 44(2), 1-7.
- He, Q. S. (2020). Recognition and enforcement of state-related judgments in the Hague Judgment Convention. *Global Law Review*, 42(3), 147-161.
- He, Z. P. (2024). Systematic thinking on foreign-related rule of law. *Wuhan University Journal (Philosophy & Social Sciences)*, 77(4), 14-27.
- Huang, H. K. (2021). Coordinating the promotion of domestic and foreign rule of law. *Study Times*, 2.
- Huang, H. K., He, Z. P., Zhang, H., Yu, M. Y., Yi, X. H., Qin, T. B., & Huang, Z. X. (2019). The construction of international law of the community of human destiny. *Wuhan University International Law Review*, 17(3), 1-28.
- Huang, J. (2017). Xi Jinping's thought on global governance and international rule of law. *Chinese Legal Science*, 34(5), 5-22.
- Huang, W. Y. (2021). Analysis of the essence of Xi Jinping Thought of the Rule of Law. *Legal Forum*, 36(1), 13-21.
- Huo, Z. X. (2020). Extraterritorial effect of domestic law: American mechanism, theoretical deconstruction, and Chinese approach. *Tribune of Political Science and Law*, 38, 173-191.
- International Commercial Court. (2018). Notice of the General Office of the Supreme People's Court on determining the first batch of international commercial arbitration and mediation institutions incorporated into the "one-stop" diversified settlement mechanism for international commercial disputes. Retrieved from <http://cicc.court.gov.cn/html/1/218/19/278/1959.html>

- Jiang, B. X. (2020). Under the guidance of Xi Jinping Thoughts on the Rule of Law, we should focus on solving major problems in the construction of the rule of law in China. *Administrative Law Review*, 28(6), 4-7.
- Li, S. Y., & Xie, S. S. (2016). *Law of international civil procedure*. Wuhan: Wuhan University Press.
- Lian, J. Y. (2021). The implementation dilemma and breakthrough of the international commercial settlement agreement arising from mediation—And the connection Singapore Convention on Mediation with the Chinese legal system. *International Business Research*, 42, 50-62.
- Liao, S. P. (2019). The system of extraterritorial application of Chinese law: Current situation, problems and improvement. *Chinese Legal Science*, 36(6), 20-38.
- Liao, S. P. (2021). The scope of application *ratione materiae* of the Measures for Blocking the Improper Extraterritorial Application of Foreign Laws and Measures. *Chinese Review of International Law*, 8(2), 44-62.
- Liu, H. W. (2020). On the essence of international law, Xi Jinping Thought of the Rule of Law. *Journal of Comparative Law*, 34(6), 1-13.
- Ma, K. (2021). How to fully understand “adhere to the overall promotion of domestic rule of law and foreign-related rule of law”. *Party Lesson Reference*, 23(1), 98-107.
- Ma, Z. F., & Guo, W. N. (2020). The international legal basis for the extraterritorial application of laws and Chinese practice. *Journal of Hunan University of Arts and Science*, 45(5), 76-83.
- Ministry of Foreign Affairs. (2022). Status of China’s foreign treaties in 2022. Retrieved from https://www.mfa.gov.cn/web/ziliao_674904/tytj_674911/tyfg_674913/202308/t20230803_11121839.shtml
- Ministry of People’s Public Security. (2017). Cooperation and win-win result in a “golden age”: For international law enforcement and security cooperation. *People’s Public Security Daily*.
- Peng, Q. (2019). The institutionalization of the international legal system for a community with the community of human destiny. *Wuhan University International Law Review*, 17(3), 7-19.
- Qu, G. Q., Ou, F. Y., & Hu, R. (2016). *Introduction to international civil and commercial litigation procedures*. Wuhan: Wuhan University Press.
- Shang, S. (2021). Construction challenges and structural priorities of Chinese extraterritorial regulatory system—A discussion on measures to prevent improper extraterritorial application of foreign laws and measures. *Chinese Review of International Law*, 8(2), 63-80.
- Shanghai First Intermediate People’s Court Research Group. (2021). The path and mechanism construction of Chinese Courts’ participation in the construction of the legal system for extraterritorial application of Chinese law. *Journal of Law Application*, 36(1), 157-168.
- Shanghai Law Society. (2019). The Hague Conference negotiates and approves the recognition and enforcement of foreign judgments in civil or commercial matters. Retrieved from <https://www.sls.org.cn/levelThreePage.html?id=10834>
- Song, L. B., & Xu, Y. R. (2021). Enforcement of commercial mediation agreements in China: Against the background of the effectiveness of the Singapore convention. *Journal of Northwest University (Philosophy and Social Sciences Edition)*, 51(1), 30.
- Tong, Q. (2021). Strengthen the construction of the legal system and legal research on the extraterritorial application of domestic laws. *People’s Court Daily* (Version 2).
- Wang, J. F. (2019). Strengthening the work of foreign-related legal work to serve the new pattern of comprehensive opening up. *Chinese Rule of Law*, 38(4), 63-64.
- Wu, Z. C., & Wang, H. T. (2019). Chinese practice in building global governance capabilities. *World Economics and Politics*, 33(7), 4-23+154-155.
- Xiao, Y. P. (2018). A new stage of comprehensive rule of law: Coordinated promotion of domestic and international rule of law construction. *Wuhan University International Law Review*, 16(1), 1-19.
- Xiao, Y. P. (2019). Legal analysis and countermeasures research on “long-arm jurisdiction”. *Chinese Legal Science*, 36(6), 39-65.
- Xiao, Y. P., & Jiao, X. D. (2020). The construction of an extraterritorial application system of Chinese law from the judicial perspective. *China Review of Administration of Justice*, 4(5), 56-72.
- Xinhua News Agency. (2020). Laying a solid foundation for future generations—Xi Jinping Thought on the Rule of Law led the new era to comprehensively law-based governance. Retrieved from http://www.xinhuanet.com/politics/leaders/2020-11/18/c_1126756747.htm
- Xu, L. F. (2017). Economic globalization requires strengthening international cooperation in anti-monopoly enforcement. *Competition Policy Research*, 3(5), 20-22.

- Xu, W. G. (2021). On the legislation of blocking secondary economic sanctions. *Studies in Law and Business*, 38(2), 187-200.
- Xue, Y., & Cheng, Y. Q. (2020). The establishment of a “one-stop” international commercial dispute resolution mechanism—From the perspective of international commercial court. *Journal of Political Science and Law*, 37(1), 149-160.
- Ye, Q. & Mo, J. H. (2020). Xi Jinping Thought of the Rule of Law and the modernization of the national governance system (written discussion). *Exploration and Contention*, 36(12), 30-36.
- Ye, Y. (2020). Review and enlightenment of the European Union’s Blocking Act. *Pacific Journal*, 3, 54.
- Yi, W. (2021). Adhere to the coordinated promotion of domestic and foreign-related rule of law. *People’s Daily*, 3, Version 11.
- Zhang, L. (2020). Judicial issues and legislative improvement of recognizing and enforcing foreign judgments in China. *Shandong Social Sciences*, 34(8), 135-139.
- Zhang, X. J. (2020). Adhere to the coordinated promotion of domestic and foreign-related rule of law. *Chongqing Daily*, 12, Version 14.
- Zhao, J. (2014). International rule of law and domestic rule of law from the perspective of global governance. *Social Sciences in China*, 35(10), 85.
- Zhao, X. L. (2024). *International private law*. Beijing: China University of Political Science and Law Press.
- Zhou, J. (2021). Adhere to the overall promotion of domestic rule of law and foreign-related rule of law based on Xi Jinping Thought on the Rule of Law. *Journal of Chongqing University (Social Science Edition)*, 27(6), 1-10.
- Zhuo, Z. Y. (2021). A jurisprudential interpretation of the essence of Xi Jinping Thought of the Rule of Law. *China Legal Science*, 38(1), 15-28.