



Research on the Improvement and Development of the Social Security Legal System

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Abstract: The Party's report points out that social security is an important guarantee for social stability, an important guarantee for building a harmonious society and realizing a harmonious society, and a perfect social security system is the guarantee for establishing a socialist market economic system. To this end, we must fully recognize its importance, accelerate the process of social security legislation, and establish a complete social security legal system as soon as possible. Prospects for the future of China's social security legal system: Establish a reasonable legislative concept, improve the judicial mechanism of social security, further expand the coverage of the social insurance law, increase the promotion of charitable organizations, gradually improve the rural social security legal system, effectively solve the payment risk of social insurance funds and ensure the value preservation and appreciation of social insurance funds, and make legal amendments and adjustments in a timely manner according to the requirements of economic globalization.

Keywords: social security, legal system, principle

1. Introduction

The Party's report points out that social security is an important guarantee for social stability, an important guarantee for building a harmonious society and realizing a harmonious society, and a perfect social security system is the guarantee for establishing a socialist market economic system. To this end, we must fully recognize its importance, accelerate the process of social security legislation, and establish a complete social security legal system as soon as possible.

2. The importance of improving the social security legal system

Social security refers to the general term for security projects, mechanisms, systems and undertakings established by the state through legislation and administrative measures to protect the basic lives of social members. Specifically, in order to maintain economic and social stability, the state, based on the principle of unity of protection and incentives, provides material assistance and social services to citizens in the face of difficulties in life due to old age, illness, and disasters through the distribution and redistribution of national income, so as to ensure the basic living needs of citizens. It has become an important part of building a harmonious society. The social security legal system is the basis and criterion for the realization and effective implementation of the social security system, and is the guarantee for the establishment and improvement of the socialist market economic system, which has great strategic significance.

2.1 A perfect social security legal system is a "booster" for economic development

A perfect social security legal system is the guarantee of an efficient social security system, because the market economy requires a balance between social supply and demand, maintaining a rational investment structure and guaranteeing investment returns. Social security expenditures increase or decrease with the growth or decline of the market economy. When the economy is developing strongly and the unemployment rate is falling, social security expenditures will be reduced accordingly, and the storage scale of social security funds will increase, thereby reducing the sharp expansion of social demand; when the economy is in recession and unemployment increases, social security expenditures will increase accordingly, providing corresponding purchasing power for people who have lost their jobs and have difficulties in life, arousing effective social demand, and promoting economic recovery to a certain extent. It can be said that social security has the function of a reservoir to regulate the supply and demand relationship in the market economy, and can to a certain extent smooth out the phenomenon of overheating or overcooling of the economy and promote the virtuous cycle of the national economy. A sound social security legal system is a compulsory means for the efficient operation of the social security system, so it plays a pivotal role and status in economic development and is a "booster" for economic development.

2.2 A sound social security legal system is a "safety net" for maintaining social stability

Without social stability, there will be no economic development and social progress, and social security is an important line of defense for social stability. A sound social security legal system can ensure the basic living of social members by ensuring that the elderly have a pension, the sick have medical care, the work-related injuries have insurance, the disasters have compensation, the unemployment has relief, the disabled have resettlement, and the poor have support, thereby relieving people's worries, effectively resolving various social contradictions that may occur, achieving national stability and social stability, and thus creating a good and stable social environment for economic development.

3. Problems existing in China's current social security legal system

3.1 The legislation of the social security system is extremely imperfect

Social insurance is the core content of the social security system, but there is no unified social insurance legal system with a relatively large scope of application. The collection, payment, operation and overall management of social insurance fees are also not standardized; the legislation on social relief, social welfare and preferential resettlement is quite lacking; social security work can only be implemented through policy regulations and administrative means in many aspects; national legislation lags behind, local legislation is scattered, and the unified social security system is divided. As a result, the coverage of social security is small and the degree of protection is poor. At present, when disputes and disputes in social security are arbitrated or filed, due to the lag in legislation, arbitration institutions and people's courts cannot arbitrate or adjudicate social security disputes according to effective legal provisions, and are in a state of lawlessness.

3.2 The existing social security laws and regulations are at a low legislative level and lack high legal effect

The legislative level of social security projects is relatively low. At present, only a few laws on special groups such as the "Law on the Protection of Disabled Persons" and the "Law on the Protection of Women and Children's Rights and Interests" have been passed by the National People's Congress and its Standing Committee. The "Regulations on Military Pensions and Benefits", "Regulations on Labor Protection of Female Employees", "Regulations on Unemployment Insurance", "Interim Regulations on the Collection and Payment of Social Insurance Premiums" and "Regulations on Minimum Living Security for Urban Residents" have been passed by the State Council. However, there are still many projects that remain at the level of departmental regulations and administrative orders. This situation is very inconsistent with the legal status of social security law. In addition, a complete legal norm should be composed of assumptions, treatments and sanctions. A legal norm without legal responsibilities and sanctions is a seriously flawed system that cannot play a mandatory role. In China's existing social security laws and regulations, there is a general lack of legal responsibilities and legal sanctions, so it is impossible to ensure the effective implementation of social security measures.

4. Principles that should be followed in improving the social security legal system

4.1 The principle that the level of benefits should be compatible with the development of the national economy and the financial situation of the country

Social security aims to ensure that social members can obtain economic income and maintain basic living when they encounter social risks and personal risks, so as to achieve the purpose of maintaining social stability and promoting economic growth. On the one hand, excessively high security levels can easily lead to financial crises due to an aging population, and on the other hand, they can encourage people to rely on others and cause losses in economic efficiency. China is currently moving towards marketization, industrialization, and modernization, but due to its large population and weak foundation, the overall level of the national economy is still very low. At the same time, it is also necessary to take into account the grim fact that China, as a developing country, has entered an aging population ahead of schedule. Therefore, in legislation, it is necessary to adhere to the principle that the level of social security benefits should be consistent with the development of the national economy and the financial situation of the country, and implement basic and limited security.

4.2 The principle of combining centralized and decentralized legislation

In terms of social security legislative authority, the principle of combining national legislation with local legislation should be implemented. The basic systems and basic principles of social labor security laws and regulations, such as the minimum social security system, should be centrally and uniformly legislated by the National People's Congress and its Standing Committee and the State Council. However, the degree of security, the form of fund raising, the specific implementation

methods, etc. must also take into account the differences between the coastal and central and western regions, and give local governments a certain degree of autonomy and flexibility. Local people's congresses and governments should formulate supporting local laws and regulations based on local actual conditions.

5. Summary

In recent years, many countries have adopted the method of signing bilateral agreements to solve the social security problems encountered by workers working in other countries. Germany, the United States and South Korea have also raised similar issues to China, requiring Chinese companies established in these countries to participate in the social insurance of their employees in the host country. However, China's legal adjustments must also adhere to the actual national conditions, stand on the standpoint of a developing country to keep pace with the international community, make timely legislative adjustments, and actively participate in world economic competition.

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