



Chapter 6 The State System, the State Institutions and the National Symbols of the People's Republic of China

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State? Nation? Country?

State 國家、政府

A state is a territory with its own institution and population. It is a self-governing entity, i.e., it has its own sovereignty. Sometimes, the term “state” is also used to refer to the government.

Nation 國家、民族

A nation usually refers to a group of people inhabiting in a territory. The people are connected by common history, culture, language, religion, etc.

Nation-state 民族國家

A nation-state is a territorially bounded sovereign polity that is ruled in the name of a community of citizens who identify themselves as a nation.

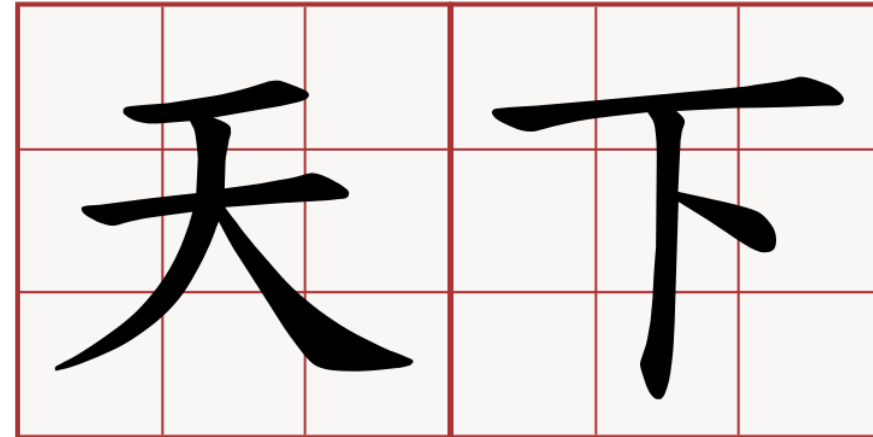
Country 國家、國土、地區、郊外

The term “country” can be used interchangeably with “state” and “nation” in many situation. It is term of a less political manner. It is commonly used to refer to a territory in the geographical but not political sense.

The concept of “state” in the West and in China



Source of picture: <https://www.researchgate.net/profile/Daniel-Bonilla-2/publication/332320477/figure/fig2/AS:746071047299077@1554888607979/Frontispiece-of-Thomas-Hobbes-Leviathan-by-Abraham-Bosse-with-creative-input-from.png>



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The concept of “state” in this chapter

The State System of the PRC

The government system – the unitary system

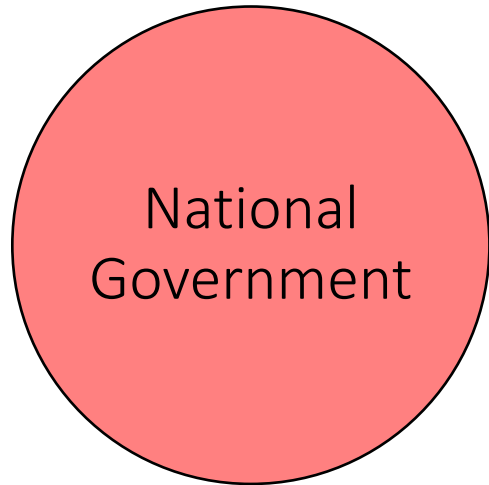
The State Institutions of the PRC

The organizations of the state organs and bodies, the mechanism of how the PRC is governed.



The State System of the People's Republic of China

Unitary system of the People's Republic of China



concentrated at one
national level –
Unitary.

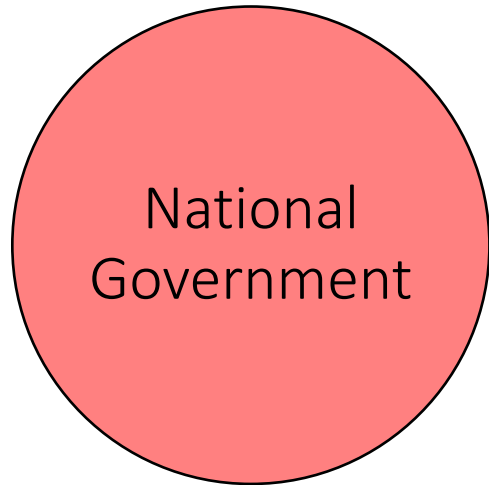
Para. 4, Article 3, *Constitution of the People's Republic of China*

The division of functions and powers between the central and local state institutions shall honor the principle of giving full play to the initiative and motivation of local authorities under the unified leadership of the central authorities.

《中華人民共和國憲法》第3條第4款

中央和地方的國家機構職權的劃分，遵循在中央的統一領導下，充分發揮地方的主動性、積極性的原則。

Unitary system of the People's Republic of China



concentrated at one
national level –
Unitary.

In a unitary system, the central government holds all of the power. While the government maintains local and regional offices, which perform their functions according to protocol, they operate under the authority and control of the central government. The central government may grant or withdraw authority from local offices whenever it deems fit.

Ex. China and Macao

Administrative Division of the People's Republic of China

Article 30, Constitution of the People's Republic of China

The administrative areas of the People's Republic of China shall be delineated as follows:

- (1) The country consists of provinces, autonomous regions and cities directly under central government jurisdiction;
- (2) Provinces and autonomous regions consist of autonomous prefectures, counties, autonomous counties and cities; and
- (3) Counties and autonomous counties consist of townships, ethnic townships and towns.

Cities directly under central government jurisdiction and other large cities consist of districts and counties. Autonomous prefectures consist of counties, autonomous counties and cities.

《中華人民共和國憲法》第30條

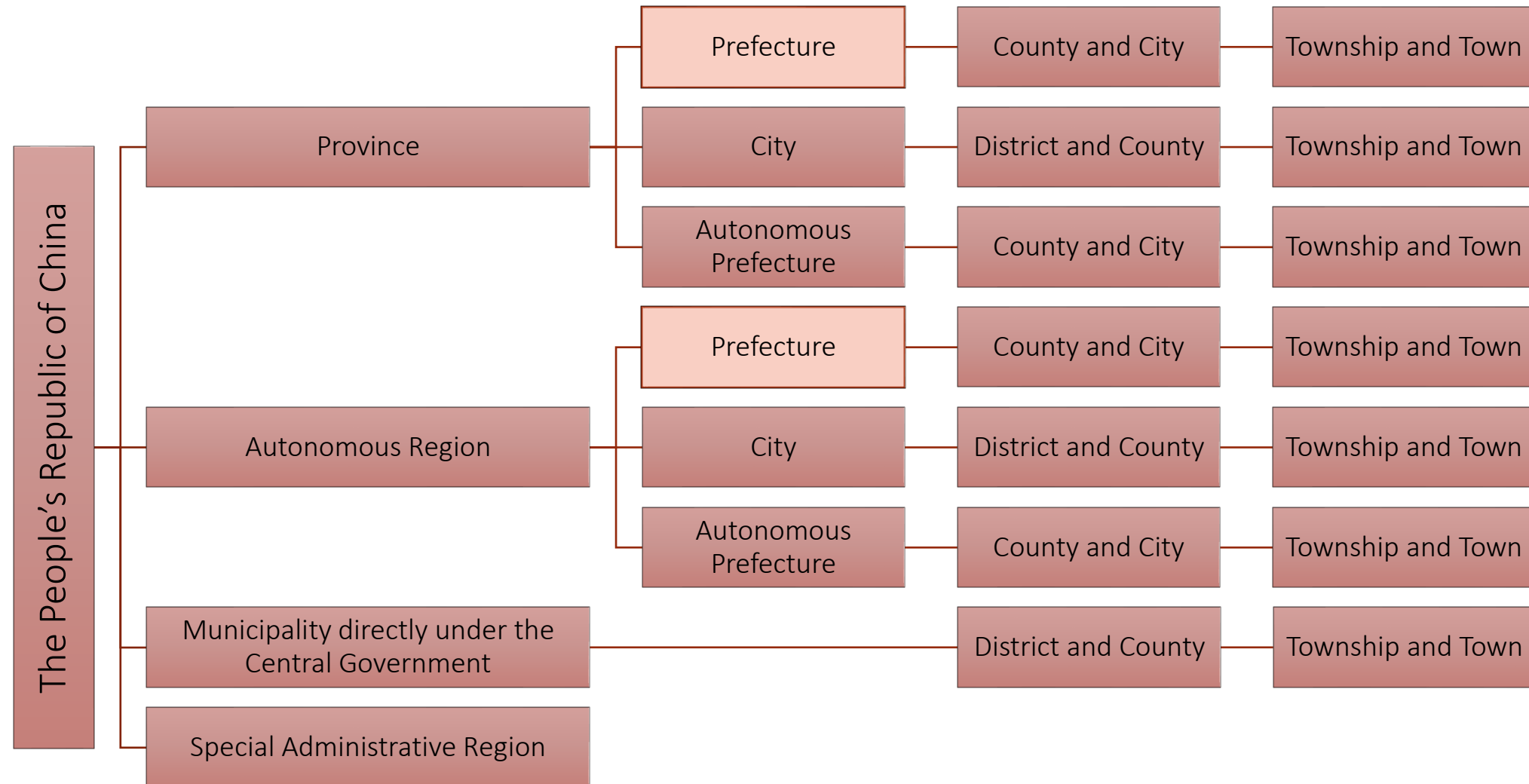
中華人民共和國的行政區域劃分如下：

- (一) 全國分為省、自治區、直轄市；
- (二) 省、自治區分為自治州、縣、自治縣、市；
- (三) 縣、自治縣分為鄉、民族鄉、鎮。

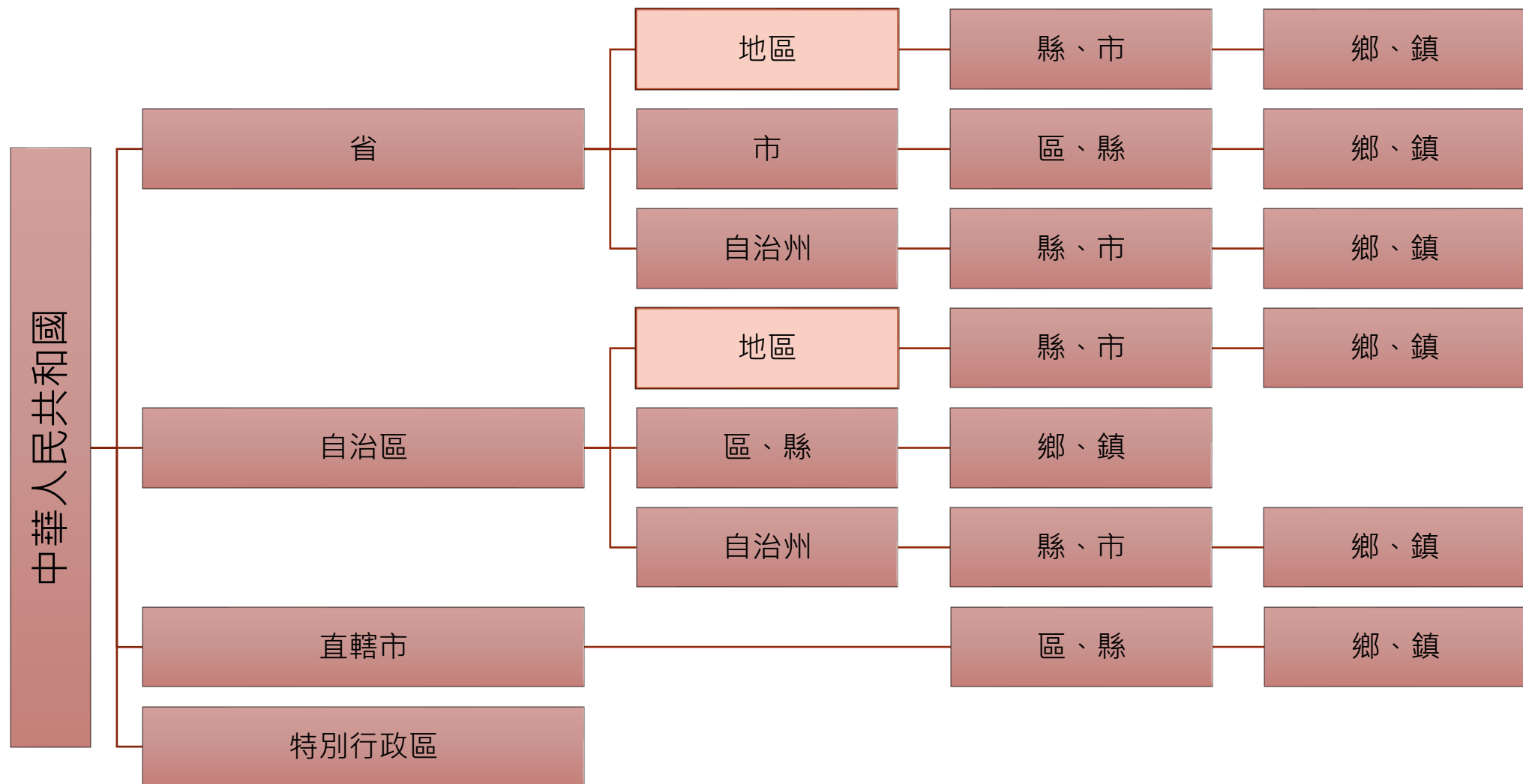
直轄市和較大的市分為區、縣。自治州分為縣、自治縣、市。

自治區、自治州、自治縣都是民族自治地方。

Administrative Division of the People's Republic of China



中華人民共和國行政區域劃分



Administrative Division of the People's Republic of China

There are 23 provinces, 5 autonomous regions, 4 municipalities directly under the Central Government and 2 special administrative regions in the People's Republic of China.

Provinces:

Hebei(河北), Shanxi(山西), Liaoning(遼寧), Jilin(吉林), Heilongjiang(黑龍江), Jiangsu(江蘇), Zhejiang(浙江), Anhui(安徽), Fujian(福建), Jiangxi(江西), Shandong(山東), Henan(河南), Hubei(湖北), Hunan(湖南), Guangdong(廣東), Hainan(海南), Sichuan(四川), Guizhou(貴州), Yunnan(雲南), Shaanxi(陝西), Gansu(甘肅), Qinghai(青海), Taiwan(台灣)

Autonomous Regions:

Inner Mongolia Autonomous Region(內蒙古自治區), Guangxi Zhuang Autonomous Region(廣西壯族自治區), Tibet Autonomous Region(西藏自治區), Ningxia Hui Autonomous Region(寧夏回族自治區), Xinjiang Uygur Autonomous Region(新疆維吾爾自治區)

Municipalities directly under the Central Government:

Beijing(北京), Tianjin(天津), Shanghai(上海), Chongqing(重慶)

Special Administrative Regions:

Hong Kong Special Administrative Region (香港特別行政區), Macao Special Administrative Region(澳門特別行政區)



The State Institutions of the People's Republic of China

State Institutions in the *Constitution of the PRC*

The *Constitution of the People's Republic of China* is consisted of the Preamble and four chapters. There are 143 articles.

The structure of the Constitution is as the following:

Preamble

Chapter I General Principle

Chapter II Fundamental Rights and Obligations of Citizens

Chapter III State Institutions

Chapter IV The National Flag, National Anthem, National Emblem and the Capital

Article 57 to 140
(over 58%)

State Institutions in the *Constitution of the PRC*

Chapter III State Institutions

1. The National People's Congress (全國人民代表大會)
2. The President of the People's Republic of China (中華人民共和國主席)
3. The State Council (國務院)
4. The Central Military Commission (中央軍事委員會)
5. Local People's Congresses at All Levels and Local People's Governments at All Levels (地方各級人民代表大會和地方各級人民政府)
6. Autonomous Organs of Ethnic Autonomous Areas (民族自治地方的自治機關)
7. Commissions of Supervision (監察委員會)
8. People's Courts and People's Procuratorates (人民法院和人民檢察院)

Some important points:

- Local people's congresses at all levels and local people's governments at all levels, and autonomous organs of ethnic autonomous areas are state institutions though they are at regional levels.
- The Communist Party of China (CPC) and its organs are not state institutions.
- Chinese People Political Consultative Conference (CPPCC, 中國人民政治協商會議) is not included in the state institution, although it is given a constitutional status in the Constitution.
- Grassroots mass autonomous organizations are not state institutions. They are self-management organizations.

The National People's Congress (全國人民代表大會)

The status, composition, organization, functions and powers, and other related matters of the National People's Congress (NPC) are stated in **Section 1** of **Chapter III** in the *Constitution of the People's Republic of China*.

There are 22 articles in Section 1 of Chapter III, from Article 57 to Article 78.

The NPC is the highest state organ that exercises the state power, and it exercises the state legislative power.

- Each term lasts for 5 years.
- It holds a session each year.
- A session usually lasts for 10-15 days.
- There are almost 3000 deputies.



Source of picture:
<http://www.npc.gov.cn/npc/c30834/202005/4f82d46272c24583a8b77a57d780505e/images/99e17660fabe45aaadc511bc2e14046b.jpg>

The National People's Congress (全國人民代表大會)

Article 57, Constitution of the People's Republic of China

The National People's Congress of the People's Republic of China is the highest state organ of power. Its permanent organ is the National People's Congress Standing Committee.

《中華人民共和國憲法》第57條

中華人民共和國全國人民代表大會是最高國家權力機關。它的常設機關是全國人民代表大會常務委員會。

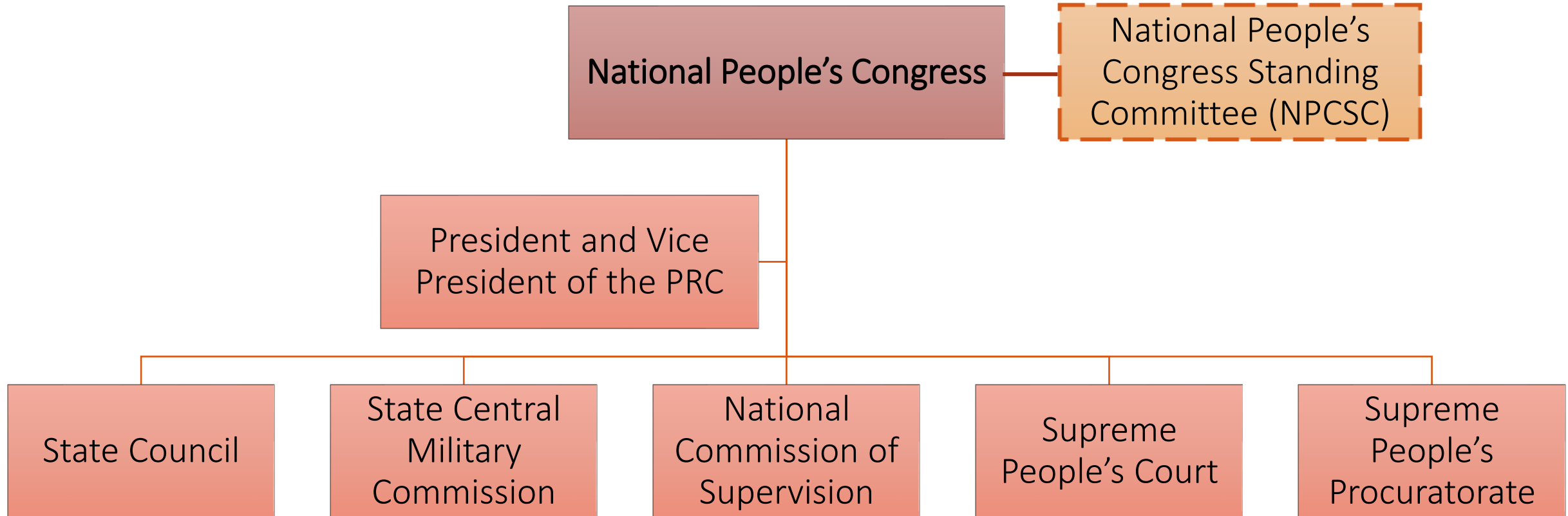
Article 58, Constitution of the People's Republic of China

The National People's Congress and the National People's Congress Standing Committee exercise the legislative power of the state.

《中華人民共和國憲法》第58條

全國人民代表大會和全國人民代表大會常務委員會行使國家立法權。

The National People's Congress (全國人民代表大會)



The National People's Congress Standing Committee (全國人民代表大會常務委員會) is the permanent organ of the NPC and is an important component of the NPC. The term is the same as the NPC. It holds session every two months and normally each session lasts for 10 days.

The National People's Congress (全國人民代表大會)

| Functions and Powers of the NPC | Functions and Powers of the NPCSC |
|--|--|
| <ul style="list-style-type: none">• Amending the Constitution | <ul style="list-style-type: none">• Interpreting the Constitution |
| <ul style="list-style-type: none">• Enacting and amending criminal, civil, state institutional and other basic laws | <ul style="list-style-type: none">• Enacting and amending laws other than those should be enacted or amended by the NPC; interpreting laws |
| <ul style="list-style-type: none">• Deciding the heads of other state organs of the national level, and other members of those organs stated in the Constitution | <ul style="list-style-type: none">• Deciding the vice heads and other members of other state organs of the national level when the NPC is out of session |

The President of the PRC (國家主席)



XI JINPING

The President of the PRC

Provisions concerning the President and Vice President of the PRC are stated in **Session 2** of **Chapter III** in the *Constitution of the People's Republic of China*. There are 6 articles, from Article 79 to Article 84.

Both the President and the Vice President **are elected by the NPC** and can be removed from office by the NPC.



WANG QISHAN

The Vice President of the PRC

Both the President and the Vice President must be **Chinese citizens of 45 years old or above**, and must have the right to vote and to stand for election.

The president of the People's Republic of China engages in affairs of state and receives foreign diplomatic envoys on behalf of the People's Republic of China.

The President of the PRC (國家主席)



XI JINPING

The President of the PRC



WANG QISHAN

The Vice President of the PRC

Functions and powers of the President:

- Promulgating laws
 - Appointing or removing personnel
 - Conferring national medals and honors
 - Declaring a state of emergency or war
- (Article 80, the *Constitution of PRC*)

The Vice President assists the President, and when so entrusted by the President, exercises part of the functions and powers of the President of his or her behalf

According to the provisions in the Constitution, the President is a figurehead.

The State Council (國務院)

Provisions concerning the State Council of the PRC are stated in **Session 3** of **Chapter III** in the *Constitution of the People's Republic of China*. There are 8 articles, from Article 85 to Article 92.

Article 85, Constitution of the People's Republic of China

The State Council of the People's Republic of China, namely, the **Central People's Government**, is the executive organ of the highest state organ of power; it is the highest state administrative organ.

《中華人民共和國憲法》第85條

中華人民共和國國務院，即**中央人民政府**，是最高國家權力機關的執行機關，是最高國家行政機關。

The State Council formulate administrative regulations and issues decisions and orders. It submits proposals to the NPC, drawing national development plans and budgets, and performs other functions and exercises powers according to the Constitution.

The State Council (國務院)

PREMIER



LI KEQIANG

VICE-PREMIERS



HAN ZHENG

Born in April 1954; member of Standing Committee of the Political Bureau of 19th Communist Party of China Central Committee



SUN CHUNLAN

Born in May 1950; member of Political Bureau of 19th CPC Central Committee



HU CHUNHUA

Born in April 1963; member of Political Bureau of 19th CPC Central Committee



LIU HE

Born in January 1952; member of Political Bureau of 19th CPC Central Committee

STATE COUNCILORS



WEI FENGHE

Born in February 1954; member of Central Military Commission and Minister of National Defense



WANG YONG

Born in December 1955; member of 19th CPC Central Committee



WANG YI

Born in October 1953; member of 19th CPC Central Committee and Minister of Foreign Affairs



XIAO JIE

Born in June 1957; member of 19th CPC Central Committee and Secretary-General of State Council



ZHAO KEZHI

Born in December 1953; member of 19th CPC Central Committee and Minister of Public Security

The Central Military Commission (中央軍事委員會)

Provisions concerning the Central Military Commission are stated in **Session 4** of **Chapter III** in the *Constitution of the People's Republic of China*. There are 2 articles, Article 93 and Article 94.

Para. 1, Article 93, Constitution of the People's Republic of China

The Central Military Commission of the People's Republic of China shall lead the country's armed forces.

《中華人民共和國憲法》第93條第1款

中華人民共和國中央軍事委員會領導全國武裝力量。

The Central Military Commission is the governing body of the People's Liberation Army (人民解放軍). Some scholars suggest that the Central Military Commission as a state institution and is written inside the Constitution means that the country holds civilian control of the military.



Source of picture:
<http://www.mod.gov.cn/big5/photos/attachement/jpg/site21/20191001/309c2370480f1efd46a502.jpg>

Commissions of Supervision (監察委員會)

Provisions concerning the Commissions of Supervision are stated in **Session 7** of **Chapter III** in the *Constitution of the People's Republic of China*. There are 5 articles, from Article 123 to Article 127.

Commissions of Supervision are new state institutions added into the Constitution in the 2018 Amendment.

There are **National Commission of Supervision** and **local commissions of supervision at all levels**. They set up a kind of power oversight and restraint system under the People's Congress System.

People's Courts & People's Procuratorates (人民法院和人民檢察院)

Provisions concerning the People's Courts and People's Procuratorates are stated in **Session 8** of **Chapter III** in the *Constitution of the People's Republic of China*. There are 13 articles, from Article 128 to Article 140.

The people's courts and the people's procuratorates are the judicial organs of the country.



Source of picture: https://www.court.gov.cn/upload/image/2020/01/01/19/39/20200101193917_77108.jpg



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People's Courts & People's Procuratorates (人民法院和人民檢察院)

People's Courts

- Adjudicatory organs
- The Supreme People's Court is the highest adjudicatory organ.
- There are local people's courts at all levels and other special people's courts.
- The Supreme People's Court shall oversee the adjudicatory work of local people's courts at all levels and of special people's courts; people's courts at higher levels shall oversee the adjudicatory work of those at lower levels.



Source of picture: https://www.court.gov.cn/upload/image/2020/01/01/19/39/20200101193917_77108.jpg

People's Courts & People's Procuratorates (人民法院和人民檢察院)

People's Procuratorates

- Legal oversight organs
- The Supreme People's Procuratorate is the highest procuratorial organ.
- There are local people's procuratorates at all levels, military procuratorates and other special people's procuratorates.
- The Supreme People's Procuratorate shall direct the work of local people's procuratorates at all levels and of special people's procuratorates; people's procuratorates at higher levels shall direct the work of those at lower levels.



Source of picture:
https://cdn.hk01.com/dl/media/images/cis/5d3fba9e0062511817a980ab.jpg/TYUJZXbrBsmhCrNuhotK0DvC9ZdZmtRxYU2e92FNnvc?v=w1280r16_9

Local People's Congresses and Local People's Governments

Provisions concerning the local people's congresses and local people's governments at all levels are stated in **Session 5** of **Chapter III** in the *Constitution of the People's Republic of China*. There are 17 articles, from Article 95 to Article 111.

Para. 1, Article 95, Constitution of the People's Republic of China

Provinces, cities directly under central government jurisdiction, counties, cities, municipal districts, townships, ethnic townships and towns shall establish people's congresses and people's governments.

《中華人民共和國憲法》第95條第1款

省、直轄市、縣、市、市轄區、鄉、民族鄉、鎮設立人民代表大會和人民政府。

Local People's Congresses and Local People's Governments

Article 110, Constitution of the People's Republic of China

Local people's governments at all levels shall be responsible to the people's congresses at their levels and shall report to them on their work. Local people's governments at and above the county level shall, when the people's congresses at their level are out of session, be responsible to the standing committees of the people's congresses at their level and shall report to them on their work.

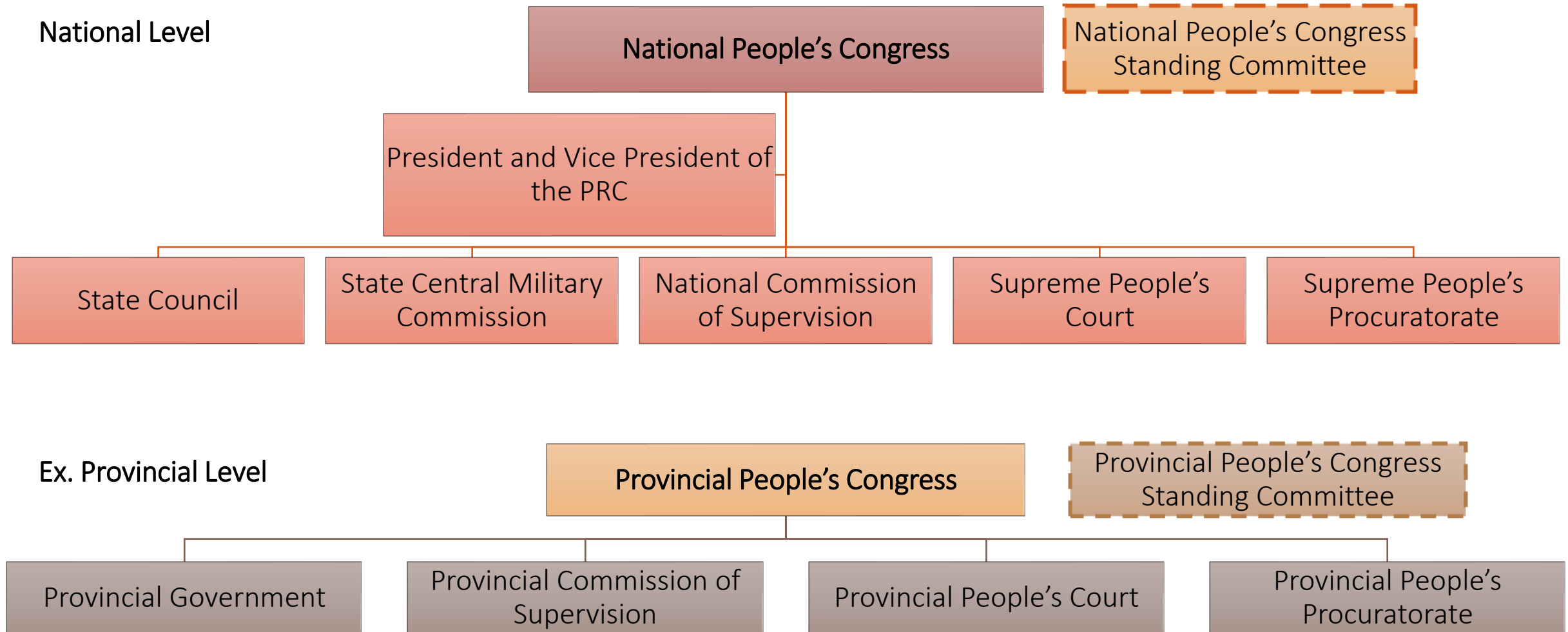
Local people's governments at all levels shall be responsible to state administrative organs at the next level up and shall report to them on their work. Local people's governments at all levels nationwide are state administrative organs under the unified leadership of the State Council; they shall all be subordinate to the State Council.

《中華人民共和國憲法》第110條

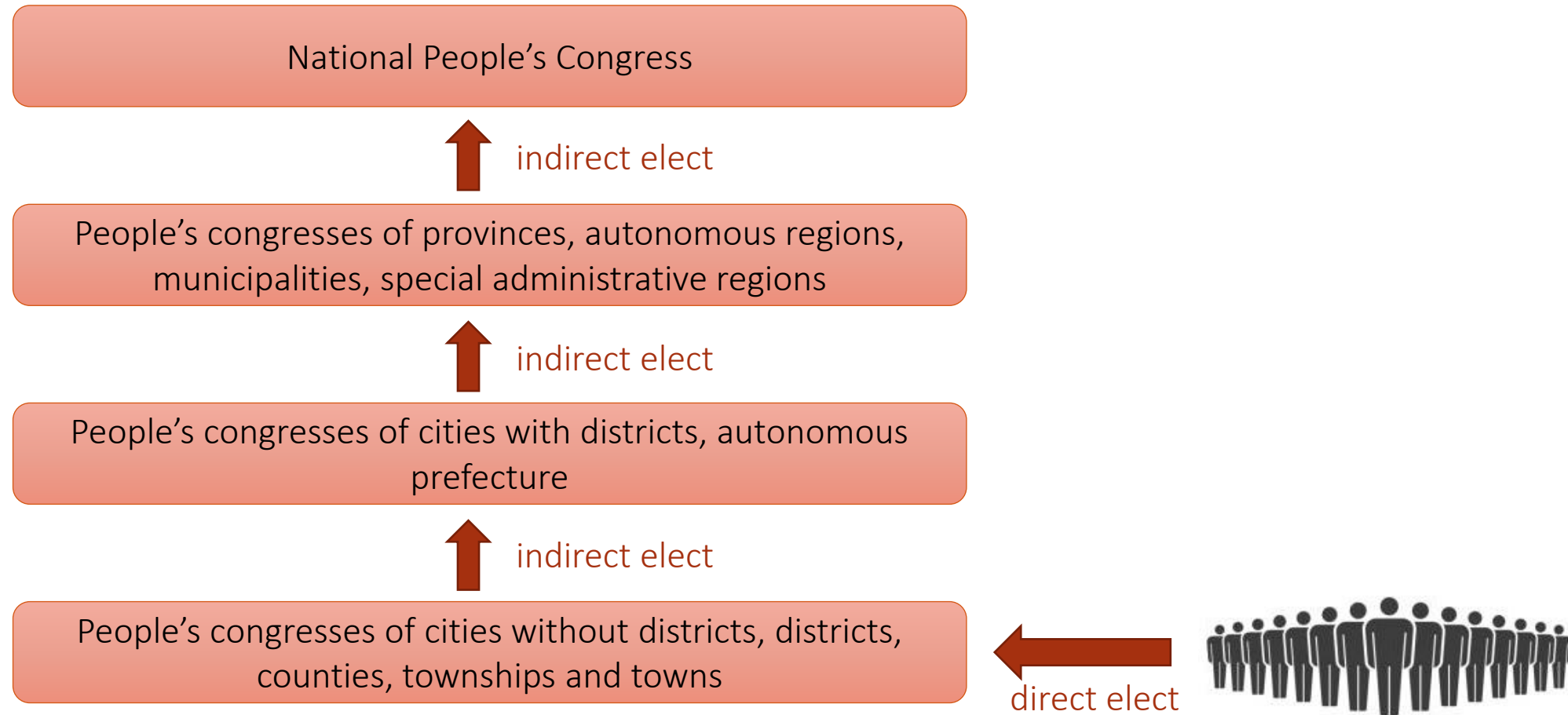
地方各級人民政府對本級人民代表大會負責並報告工作。縣級以上的地方各級人民政府在本級人民代表大會閉會期間，對本級人民代表大會常務委員會負責並報告工作。

地方各級人民政府對上一級國家行政機關負責並報告工作。全國地方各級人民政府都是國務院統一領導下的國家行政機關，都服從國務院。

Local People's Congresses and Local People's Governments



The Election System of the people's congresses



Autonomous Organs of Ethnic Autonomous Areas

Provisions concerning the autonomous organs of ethnic autonomous areas are stated in **Session 6** of **Chapter III** in the *Constitution of the People's Republic of China*. There are 11 articles, from Article 112 to Article 122.

The Constitution protects the rights of the minority ethnic groups.

Para. 1 & 3, Article 4, Constitution of the People's Republic of China

All ethnic groups of the People's Republic of China are equal. The state shall protect the lawful rights and interests of all ethnic minorities and uphold and promote relations of equality, unity, mutual assistance and harmony among all ethnic groups. ...

All areas inhabited by ethnic minorities shall practice regional autonomy, establish autonomous organs, and exercise the power to self-govern. All ethnic autonomous areas are inseparable parts of the People's Republic of China.

《中華人民共和國憲法》第4條第1款及第3款

中華人民共和國各民族一律平等。國家保障各少數民族的合法的權利和利益，維護和發展各民族的平等團結互助和諧關係。.....

各少數民族聚居的地方實行區域自治，設立自治機關，行使自治權。各民族自治地方都是中華人民共和國不可分離的部分。

Autonomous Organs of Ethnic Autonomous Areas

Article 112, Constitution of the People's Republic of China

The autonomous organs of ethnic autonomous areas are the people's congresses and the people's governments of autonomous regions, autonomous prefectures and autonomous counties.

《中華人民共和國憲法》第112條

民族自治地方的自治機關是自治區、自治州、自治縣的人民代表大會和人民政府。

The personnel of the ethnic autonomous areas, such as a number of people's congresses deputies, governors, prefects, and etc. shall be filled by a citizen belonging to the ethnic group that exercises regional autonomy there. (Article 112-114)



Source of picture: <https://www.globaltimes.cn/Portals/0/attachment/2021/2021-12-04/0a655dfa-9255-4c8a-8767-34db0532cf8a.jpeg>



The National Symbols of the People's Republic of China

National Symbols with Constitutional Status

Chapter IV of the *Constitution of the People's Republic of China* includes three articles concerning the national flag, the national anthem, the national emblem and the capital of the country.

The national flag, the national anthem, the national emblem are the symbol and hallmark of the People's Republic of China. All citizens and organizations shall respect and care for them.

The National Flag and Anthem

Article 141, Constitution of the People's Republic of China

The national flag of the People's Republic of China is a red flag with five stars.

The national anthem of the People's Republic of China is the *March of the Volunteers*.



《中華人民共和國憲法》第141條

中華人民共和國國旗是五星紅旗。

中華人民共和國國歌是《義勇軍進行曲》。



Source of picture: <https://www.geci345.com/wp-content/uploads/2019/01/001-7.jpg>

The National Emblem

Article 142, Constitution of the People's Republic of China

The national emblem of the People's Republic of China consists of an image of Tiananmen Gate in the center illuminated by five stars and encircled by spikes of grain and a cogwheel.

《中華人民共和國憲法》第142條

中華人民共和國國徽，中間是五星照耀下的天安門，周圍是谷穗和齒輪。



Source of picture: http://www.gov.cn/govweb/xhtml/2019zhuantu/guoqiguohui20201217V1/images/m_gh.jpg

The Capital

Article 143, Constitution of the People's Republic of China

The capital of the People's Republic of China is Beijing.

《中華人民共和國憲法》第143條

中華人民共和國首都是北京。



Source of picture: <https://www.tibetway.com/assets/images/china/beijing-tibet-tour-480.jpg>



Important knowledge points:

1. Unitary system of the People's Republic of China
2. The country is managed through different levels of administrative divisions, and the first level of it includes provinces, autonomous regions, municipalities directly under the Central Government and special administrative regions.
3. What are the state institutions listed in the *Constitution of the People's Republic of China*?
4. What is the National People's Congress? What is the National People's Congress Standing Committee?
5. The functions and powers of the National People's Congress, the National People's Congress Standing Committee, the State Council and the President of the People's Republic of China.
6. The People's Congress System: the functions and powers of the people's congresses at different levels.
7. The articles about the national flag, anthem, emblem and the capital of the PRC.



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