

Research on the Philosophical Issues of Artificial Intelligence Legislation

Qianqian Zhang

East China University of Political Science and Law, Shanghai, 200042, China

ABSTRACT

The Natural Law School, the Positivist Law School, and the Sociological Law School hold different views on artificial intelligence (AI) legislation. The main divergence among these three schools lies in their understanding of soft law and hard law approaches. This paper takes the value of law as the entry point and analyzes relevant legal norms through legal interpretation theory to explore the implications of the three schools' views on AI legislation for current legislation.

KEYWORDS

Artificial Intelligence; Value of Law; Hard Law Approach; Soft Law Approach.

1. INTRODUCTION

With the development of the third industrial revolution, artificial intelligence has been widely applied in grassroots governance and criminal law matters. The legal mechanisms for artificial intelligence need to be addressed from three aspects: concept, norms, and rules. Reviewing the existing literature, most studies on AI legislation focus on the actual aspects, that is, analyzing specific cases and examples to identify legislative deficiencies in the fields of tort liability and criminal offenses related to AI. The governance of artificial intelligence is mainly divided into hard law and soft law approaches. The main disagreement among the three major legal schools regarding AI legislation lies in the compatibility of hard law and soft law approaches. This paper, based on fundamental legal theories, elaborates on the soft law and hard law approaches in AI governance. From the perspectives of the Natural Law School, the Positivist Law School, and the Sociological Law School, this paper examines the philosophical issues of AI legislation.

2. THE SOFT LAW AND HARD LAW APPROACHES IN AI GOVERNANCE

(1) The Hard Law Approach under the Rule of Law Perspective

Law manifests in two basic forms: hard law and soft law. "Hard law" refers to legal norms that rely on state coercion for enforcement, while "soft law" refers to norms whose effectiveness does not necessarily depend on state coercion but can still produce social outcomes. The efficacy of soft law varies with the context. Soft law qualifies as law because it possesses the basic characteristics of law; it stands independently from hard law due to its unique features that hard law lacks; it plays a significant role in public governance because it has the independent function of regulating and adjusting public affairs; and it complements hard law because of the complex interplay in legal logic, the complementary advantages in legal functions, and the mutual transformation between the two types of norms[1]. From the perspective of basic legal theory, the rule of law safeguard approach

refers to the institutional measures that maintain the operational order of the matters involved based on legal norms. Overall, the rule of law safeguard approach is mainly divided into hard law and soft law aspects.

The hard law approach primarily focuses on the implementation of existing legal systems, bridging the gap between the ideal and the actual enforcement of laws. In the context of AI, hard law safeguards include: controlling investment risks for future industry development based on existing laws, which involves improving corporate management legal systems and establishing rules for AI investment, loans, and market access to ensure a favorable environment for future industry growth; providing remedies through the coordination of administrative, criminal, and economic laws to address obstacles and threats to future industry development; and incorporating general principles of civil and commercial law into the development of future industries through relevant legislation.

(2) The Soft Law Approach under the Rule of Law Perspective

The soft law approach is distinct from the hard law approach. From a sociological perspective, soft law norms are mainly reflected in social rules, social norms, and social concepts. Social rules are the "interest distribution" patterns formed through the interest bargaining in the operation of society, which are the consensuses on existing interest distribution. These consensuses can provide normative basis for resolving interest disputes in a timely manner. Social norms are the institutionalized regulations of the interest distribution patterns under social rules. Social concepts, on the other hand, focus on guiding the solidification of new interests in industrial development through concepts. The soft law approach complements the hard law approach to some extent. It can effectively make up for the shortcomings of the hard law approach. Different hard law norms are difficult to develop in a balanced manner. Those lagging behind, especially some secondary rules such as recognition rules, reception rules, enforcement rules, and power rules, can form a bottleneck. If these defects are not filled by soft law norms, they will restrict the overall level of the rule of law. The hard law approach is limited by the lag of legislation. In this regard, the soft law approach can effectively overcome this shortcoming. Secondly, the soft law approach can overcome the Swiss cheese effect. Various hard law norms have homogeneity, which easily forms a legal regulatory loophole where hard law norm defects are closely linked. This cannot effectively prevent the abuse of power or rights, leading to potential dangers becoming real losses and causing the loss of the value of the rule of law and the failure to achieve the goals of the rule of law.

(3) The Hard Law and Soft Law Approaches in AI Governance

Based on the sources of law, AI governance norms can be divided into hard law norms and soft law norms. Hard law norms in AI governance rely on the formal sources of law and implement social governance through the application of legal normative documents. The hard law approach in AI governance tends to be "judicially centered," with litigation and arbitration as the main dispute resolution measures. Depending on the legal system, the civil law system places more emphasis on codification and tends to regulate the development of AI technology through detailed legal provisions, such as the EU's Artificial Intelligence Act and France's proposed amendments to the Intellectual Property Law targeting AI. In contrast, the common law system emphasizes the role of case law, clarifying the legal nature and application norms of AI technology through judicial precedents. For example, in the case of *Stephen Thaler v. the U.S. Copyright Office*, it was determined that the key to copyright protection for AI-generated works is the confirmation of human subjectivity. In terms of data protection and regulatory intensity: the civil law system and the socialist law system are particularly strict in data protection, with the EU implementing regulations such as the General Data Protection Regulation (GDPR), while the U.S. places more emphasis on market freedom and innovation, with relatively weaker data protection and regulatory intensity. However, with the increasing awareness of privacy protection in recent years, the U.S. has also been strengthening related legislation and regulation. The common law system and the civil law system both focus more on building a comprehensive legal framework for AI. The soft law approach in AI governance tends

to be "non-judicially centered" in dispute resolution, adept at using the bylaws and norms of private entities such as non-governmental organizations (NGOs), international NGOs, and expert associations as the basis for dispute resolution. It mainly governs AI through negotiation, consultation, and mediation. In this regard, there is no difference between the common law system and the civil law system in the soft law approach.

In summary, this paper argues that the hard law and soft law approaches in AI governance exhibit different characteristics. The main divergence among the three major legal schools regarding AI legislation lies in the recognition and application of soft law. The following section will analyze and argue the above views from the perspective of the value of law, based on the AI legislative views of the Natural Law School, the Positivist Law School, and the Sociological Law School.

3. THE AI LEGISLATION VIEWS OF THE THREE MAJOR SCHOOLS OF LEGAL PHILOSOPHY

The Natural Law School, the Positivist Law School, and the Sociological Law School, as the three major schools of legal philosophy today, each propose different requirements for AI legislation.

(1) AI Legislation from the Perspective of the Natural Law School

British jurist Dias pointed out that natural law mainly encompasses five meanings: First, it is the ideal guiding the development and implementation of law; second, it is the basic morality in law that prevents the absolute separation of "is" and "ought"; third, it is the method of discovering and perfecting law; fourth, it is the content of law that can be inferred by rational reasoning; and fifth, it is the absolute necessary conditions for the existence of law[2]. The emergence of soft law is closely related to the moral concepts and religious traditions advocated by natural law. Unlike the "pure law" in the Positivist Law School, soft law advocates that in the process of social governance, especially in the construction of dispute resolution mechanisms, value judgments should be used as important reference criteria, thereby overcoming the "legitimacy issues" produced by hard law in social governance. Soft law and hard law complement each other in social governance. Soft law focuses on "legitimacy," that is, the definition of natural law by British scholar Lio Levin: Natural law is a set of rules for safeguarding rights that are universally practiced in society. The principle of equality recognized in natural law has long been acknowledged as the source and standard of political rights. Legitimacy aims to recognize the existing social interest distribution pattern, focusing on substantive justice. In contrast, hard law focuses on "legality," which is the institutionalization of "legitimacy," that is, the maintenance of procedural justice. The Natural Law School believes that soft law plays a crucial role in social governance, serving as a supplement to statutory law. When different statutory laws conflict in terms of the hierarchy of legal values, soft law plays a coordinating role.[3]

The Natural Law School holds that the values of freedom and justice are important value factors in legislative activities and the operation of law. As mentioned earlier, the Natural Law School regards "positive law" and "statutory law" as derivatives of the natural law of the world. If they violate the natural law of the world and place the order value/efficiency value of law above the values of freedom and justice, it will lead to flaws in the legal value system. Therefore, the Natural Law School believes that AI legislation should focus on two areas: First, AI legislative activities should follow the natural laws of data generation, which refer to the original codes or basic programs formed by the flow of data in network computers and AI. Forcing changes to the original codes or basic programs will lead to the collapse of the cornerstone of the AI legal norm system. Second, AI legislative activities need to follow corresponding basic principles. In the private rights domain, AI legislative activities should follow the principle of justice in law. Legislative activities should ensure the rationality of the generation, collection, and transformation of benefits in the data flow process of the AI industry and clarify the principles of interest distribution among stakeholders. In the public power domain, AI legislative activities should follow the principle of freedom in law, that is, "no authorization, no

restriction." Jean-Jacques Rousseau pointed out in his representative work *The Social Contract* that citizens transfer their private rights to use violence to the government, which thereby establishes the military, police, and judicial organs, forming a unified social governance. According to the basic view of the social contract theory, AI public power legislation is limited to specific crimes that infringe upon the interests of social public management order and national security. For other types of AI rights and interests, the government has no right to interfere. The government should fully consider relevant customary law, religious traditions, and ethical morals in the legislative process. In constructing the AI legal mechanism, it should integrate three factors: social concepts, social rules, and social norms. At the level of social concepts, AI public power legislation should respect citizens' religious traditions, moral ethics, and not interfere with citizens' use of AI for folk activities through administrative means. In terms of social rules, AI public power legislation should follow the principle of administrative legality, and the administrative management of AI should strictly follow the elements constituent of the law. In terms of social norms, AI public power legislation should follow the principle of administrative rationality, that is, to pay attention to existing non-legal normative documents such as religious norms and rural agreements.

(2) AI Legislation from the Perspective of the Positivist Law School

The Positivist Law School advocates that AI legislation should abandon non-legal factors and use pure legal elements as the basis for evaluation. The Positivist Law School advocates placing the order value of law first, such as Germany's "rule of law" principle, which highly integrates the continuity of the legal system with national governance. The Positivist Law School believes that there is no need for special AI legislation. Under the premise of maintaining the existing legal order, applying similar legal provisions for the protection of interests to AI legislation can maximize the stability of the AI legal system.

Secondly, the Positivist Law School holds a relatively negative attitude towards the operation of soft law. The main views of the analytical positivist law school include the following: 1) Law is a command of people; 2) There is no necessary connection between law and morality; 3) The analysis or study of the meaning of legal concepts should be distinguished from historical investigation, sociological surveys, and critical methods of law according to morality, social purposes, and functions. The analytical positivist law school pays far less attention to the role of soft law than to hard law. For example, Kelsen, a representative of the pure law school, believes that the command nature and "oughtness" are one of the basic characteristics of law. The difference between natural laws and laws is as great as the boundary between social sciences and natural sciences. Kelsen holds a relatively negative attitude towards the influence of moral factors in soft law on statutory law. Kelsen argues that commandness and oughtness are characteristics of law, while morality also indicates how people should behave. Law is made by the sovereign, while morality is proposed by moralists and does not have the objectivity of law. The analytical positivist law school believes that the sum of legal norms of a community constitutes a rigorous normative system. In this system, the validity of a norm comes from another higher-level norm, ultimately from a basic norm. The so-called "basic norm" is "a norm whose validity cannot be derived from a higher range." It is the link between the various norms that make up a normative system and the cornerstone of the legal norm system or legal order. At this level, the positivist law school holds a relatively negative attitude towards soft law[4]. The AI legislation of the positivist law school tends to be policy-driven, that is, to meet the state's regulation of AI.

(3) The Legislative View of Artificial Intelligence of the Sociological Jurisprudence School

The Sociological Jurisprudence School has the following characteristics compared with other schools of jurisprudence. First, the Sociological Jurisprudence School focuses on the role of law rather than its abstract content. Second, supporters of the Sociological Jurisprudence School believe that law is a social institution and a means of social control. People discover it through experience and also consciously create it. They believe that law can be improved through human wisdom and effort, and the purpose of jurisprudence is to promote and guide such efforts as the best means. Third, the

Sociological Jurisprudence School emphasizes the social purposes that law is intended to promote, rather than sanctions. The value orientation of the Sociological Jurisprudence School is essentially "social collectivism." Social collectivism is in contrast to individualism. In terms of the relationship between society and the individual, the Sociological Jurisprudence School emphasizes society, social solidarity (cooperation), and the overall social interest. In terms of the relationship between rights and obligations, sociological jurists emphasize the overall social interest, with an emphasis on obligations. In summary, the Sociological Jurisprudence School systematically analyzes the necessity, actuality, and desirability of law. The necessity of law reveals the general laws, conditions, processes, and pathways for the emergence, development, and future direction of law. The desirability of law mainly focuses on the value of law, revealing the value orientation, value goals, and criteria for evaluating the value of law, providing guiding principles and ideal models for the reform and improvement of the legal system. The research on the actuality of law focuses on the actuality of legal provisions and the actuality of the operation of law. The actuality of legal provisions focuses on analyzing the elements, structure, hierarchy, and system of law, emphasizing the static aspect of law. The actuality of the operation of law focuses on the dynamic aspect, examining and testing the actual operation, effectiveness, content, and role of law. Compared with the Natural Law School and the Positivist School of Jurisprudence, the Sociological Jurisprudence School pays more attention to the exercise of public power in the study of soft law, rather than coordinating the conflict between public power and private rights. At this level, the application of soft law by the Sociological Jurisprudence School is mainly to fill the functional gaps in public power.[5]

The legislative view of artificial intelligence of the Sociological Jurisprudence School emphasizes the state's macro-control over the development of the artificial intelligence industry. Compared with the legislative views of the Natural Law School and the Positivist School of Jurisprudence, which are based on "individualism," the legislative view of artificial intelligence of the Sociological Jurisprudence School prioritizes national and collective interests over individual interests. Although the Sociological Jurisprudence School acknowledges both the hard-law and soft-law approaches to artificial intelligence governance, the legal interests it protects are not the private rights of citizens or enterprises, but rather prioritizes the public order interests of the state over private rights.

4. ANALYSIS OF THE THREE MAJOR SCHOOLS OF THOUGHT ON ARTIFICIAL INTELLIGENCE LEGISLATION

(1) Analysis of the Natural Law School's View on Artificial Intelligence Legislation

The Natural Law School, evolved from traditional scholastic jurisprudence, aims to limit the excessive expansion of government power and adheres to a "rights-based" approach in the legislative process. In the field of artificial intelligence legislation, the Natural Law School balances the demands of legality and legitimacy. It also embraces a "dual-track mechanism" that combines both hard law and soft law approaches. Based on social practice, the Natural Law School's approach to artificial intelligence legislation has achieved relatively good results in the relief of civil torts and the regulation of administrative violations or unreasonable administrative actions. Its main advantages are as follows. First, it incorporates informal legal norms such as customary law and folk customs, thereby achieving a diversified dispute resolution mechanism. Diversified dispute resolution abandons the traditional "judicial centrism" and adopts multidimensional, multilevel, and diversified methods of dispute resolution. Second, it recognizes soft law and uses the charters of non-governmental organizations, norms of civilian associations, village regulations, and the discipline of political parties as normative sources for legislative and enforcement supervision, overcoming the lag of the hard law path in artificial intelligence governance. Third, in the error-correction measures of the legal mechanism, the Natural Law School prioritizes the values of freedom and justice in law, with a rights-based core, and uses flexible normative documents to correct the legality flaws in the existing legal mechanism. At the same time, the Natural Law School's view on artificial intelligence legislation also has many

drawbacks, mainly reflected in the following aspects. First, the Natural Law School overemphasizes the importance of concepts. Legal constructivism holds that concepts are key factors in shaping legal interests. Concepts shape the boundaries of legal interests, and the state legislates based on core legal interests while enacting special legislation for non-core legal interests, establishing formal and informal sources of law to build a legal mechanism. The emergence, promotion, and acceptance of concepts often exceed the development of existing productive forces. Therefore, although the Natural Law School's view on artificial intelligence legislation can effectively overcome legislative lag, it often fails to connect the ideal state of law with the actual state. Second, the Natural Law School's view on artificial intelligence legislation relies too much on flexible normative documents. Flexible normative documents do not clearly define the constituent elements and scope of application of legal provisions. The extensive use of catch-all clauses and principle-based provisions in existing legal norms can easily lead to confusion in the application of legislation.

(2) Analysis of the Positivist School's View on Artificial Intelligence Legislation

As analyzed in the previous section on legal analysis, the Positivist School's view on artificial intelligence legislation has unique advantages in maintaining stability. In terms of stability, the Positivist School's power-based approach, combined with the specific policies of the state, further maintains the stability of the legal system. The power-based approach links national interests with social order stability and tends to favor rigid normative provisions in legislation. It establishes the operation of the rule of law through strict amendment procedures and punitive mechanisms and provides comprehensive remedial measures for hard law solutions to legal disputes related to artificial intelligence operations. The Positivist School's view on artificial intelligence legislation focuses on maintaining the consistency of the national legal system, prioritizing the value of legal order in the legislative process. In cases of conflict or competition between legality and legitimacy, the Positivist School often ignores the demand for legitimacy in legislation. Second, the Positivist School's view on artificial intelligence legislation holds a relatively negative attitude towards the soft law path, and the rigidity of legal provisions is one of the drawbacks of the Positivist School's view on artificial intelligence legislation. Third, the power-based approach of the Positivist School makes its view on artificial intelligence legislation more likely to erode the private rights of citizens in the country.

(3) Analysis of the Sociological School's View on Artificial Intelligence Legislation

As mentioned earlier, although the Natural Law School and the Positivist School prioritize the values of freedom or order in their legislative views, their starting point is to protect the private rights of citizens and enterprises through micro legal regulation based on "individual interests." The advantage of the Sociological School is that it integrates the strengths of the Natural Law School and the Positivist School's views on artificial intelligence legislation, coordinating the "hard law path" and "soft law path" in artificial intelligence governance. However, its overall starting point is to protect national public interests or collective interests. Under this macro-level regulatory legislative approach, artificial intelligence legislation often extensively uses catch-all clauses and principle-based provisions, resulting in some legislative matters remaining in a vague state.

5. IMPLICATIONS OF THE THREE MAJOR SCHOOLS OF THOUGHT ON ARTIFICIAL INTELLIGENCE LEGISLATION FOR CURRENT AI LEGAL MECHANISMS

(1) Implications of the Natural Law School's View on Legislation-AI Legislation Should Integrate Law with Customs and Traditions

In social governance, customs and soft law share similar characteristics. In other words, customs and law belong to the categories of soft law and hard law, respectively, and thus they also exhibit distinct differences: First, the forces that ensure their implementation are different. Law mainly relies on public power for enforcement; if a person violates the law, they may face direct adverse consequences

or be prosecuted in court. The enforcement of customs does not necessarily rely on state power; even if a person violates a custom, they usually do not face direct state coercion but rather public condemnation, collective treatment by community members, or some other form of external pressure. Second, their implementation mechanisms are different. Law is implemented through a top-down command-control mechanism, while customs rely more on self-discipline and the combined effect of social influence, with open coordination mechanisms playing an important role in the implementation of soft law. Third, their hierarchical representation is different. The hierarchy of law is very clear, forming a step-by-step decreasing system of effectiveness based on fundamental laws, with each level of regulations not allowed to conflict with those above it. The hierarchy of customs is not obvious; apart from all actions needing to comply with fundamental laws and generally not conflicting with laws, different customs do not define levels of effectiveness. Fourth, the degree and nature of citizen participation are different. Law is mainly based on grassroots and one-way communication, with limited citizen participation and difficulty in achieving true legal equality with administrative agencies during participation. In the formation and implementation of soft law, administrative agencies, social organizations, and even individual citizens communicate and negotiate on an equal footing, jointly forming rules and being equally bound by the agreed-upon rules, using these rules as guidelines for action and platforms for interaction. The relationship between customs and law mainly manifests in two dimensions: supplementation and transformation. Customs mainly serve as a supplement to law. In modern society, where social relations are highly complex and dynamic, the scope and depth of law are limited, and customs can provide beneficial supplementation to the law. When law does not make specific provisions, customs will first be negotiated by citizens and then managed with the assistance of legal principles. When the time is ripe, customs will be absorbed and recognized by law. Mutual transformation refers to the different changes that can occur between the two forms of law. In the first case, customs can be transformed into law through national legislation, or if customs are not widely recognized but are widely present, the state will recognize them through an acknowledgment process, reducing their influence while recognizing them. The last case is where customs and law form a complementary advantage, working together to achieve governance effectiveness. In modern social governance, customs and law jointly play the role of regulating social relations, rather than relying solely on law. The hybrid mechanism of customs and law is necessary for adjusting social relations in today's social governance.[6]

The development of civilian AI industries should take into account folk traditions, moral norms, and religious norms. In the regulation of civilian AI industries, legislative bodies should maintain a low level of supervision and try to relax the regulations on civilian AI industries, applying general legal principles where possible. The regulation of state-owned AI industries should be in line with the national legal system and political philosophy, guided by policies and supported by ideology, establishing corresponding legal norms.

(2) Implications of the Positivist School's View on Legislation-AI Norms Should Follow the Principle of Precedent

The principle of precedent advocates that in the transnational cooperation of the AI industry, it is necessary to coordinate disputes of interests between countries and between regions and countries. In this situation, the principle of precedent advocates using the informal sources of law to coordinate the contradictions between producers and sellers of the AI industry, as well as between sellers. In other words, the principle of precedent focuses on building a sense of legitimacy for the future development of the industry.

Legitimacy has the function of defining the goals and interests of actors. Soft law norms influence the decision-making of states by establishing criteria for legitimacy. The legitimacy standards formed in institutional practice can guide and change the formulation of national strategies. In this case, there may be two types of actors who resist internalization: those who strongly resist and those who "reluctantly believe." First, both stronger and weaker actors are affected by an effective social order. Although the functionality felt by these two types of countries is different, the dominant side can

relatively easily bear the higher cost of breaking the rules. However, for both, the consideration of gains and losses has changed. The dominant side finds itself restricted by a legitimate social system and cannot act as it prefers, even though it participated in creating the system. A legitimate social structure limits the scope of free action for dominant actors, and the same is true for those in a weaker position. The principle of precedent elaborates on the issue of legitimacy in future industries through soft law and informal legal sources, effectively coordinating the distribution of interests among parties and resolving conflicts of interest in the AI industry between countries.

(3) Implications of the Sociological School's View on Legislation-AI Industry Dispute Resolution Mechanisms Should Draw on the "Amicus Curiae" System

The amicus curiae first appeared in Roman law, and common law countries, influenced by this, mostly recognize the amicus curiae as a component of the court system. Even in some civil law countries without an amicus curiae system, there is a similar right for interested parties to intervene. Generally speaking, in the judiciary, "amicus curiae" can be understood as any entity related to the case's interests but not a party to the dispute, such as state organs, non-governmental organizations, or private entities, which voluntarily submit written opinions or oral statements to the court or arbitration tribunal regarding legal facts. From the definition of amicus curiae, it can be seen that to submit opinions as an amicus curiae, the entity must show relevance to the case's interests but must also meet the interest of the court or arbitration tribunal in better conducting the trial. [7] In social practice, non-governmental international organizations usually play the role of "amicus curiae" in the judiciary, and when acting as amicus curiae, they typically seek to submit written opinions to the court to assist in social justice. [8]

6. CONCLUSION

In current AI adjudication, the expert legal opinion system has more limitations and urgently needs the establishment of the "amicus curiae" system. In terms of participants, the traditional Chinese expert legal opinion system mainly involves legal scholars, while the amicus curiae system has a broader scope, including individuals, governments, social organizations, interest groups, etc. In existing judicial trials involving AI, there is often a lack of active intervention by "third parties" other than legal scholars. However, given the complexity and professionalism of AI technology, which involves complex algorithms, big data processing, and machine learning in cutting-edge fields, the operating principles and application effects of the technology often exceed the knowledge range of ordinary judges. Therefore, experts in specialized fields should serve as amicus curiae to provide technical explanations and assessments, helping judges find a balance between complex technical and legal issues to ensure the fairness and accuracy of judgments. In terms of the procedural legitimacy of opinion acquisition, compared to the traditional method of obtaining expert legal opinions through internal channels and privately, the application process for amicus curiae is more standardized, divided into submission upon court request, voluntary submission, and requesting relevant individuals or organizations to submit to the court. This can meet the public's demand for participation in AI-related cases, enhance the public's scientific understanding of AI, and contribute to the formation of an effective external supervision and suggestion mechanism, fulfilling the demands of the state, the public, and individuals.

REFERENCES

- [1] Luo Haocai. *Soft Law and Public Governance*. Peking University Press, 2006, pp. 49–50.
- [2] R. W. M. Disa, *Jurisprudence*, Butterworths, 1985, p. 470.
- [3] E. Levin: *Human Rights: Questions and Answers*. The Commercial Press (Hong Kong), 1990, pp. 58-59.
- [4] H. Kelsen, *General Theory of Law and State*, Harvard University Press, 1945, p. 111.

- [5] Zhang Wenxian: A Study of Western Legal Philosophy Trends in the Twentieth Century. Law Press, 1996 edition, pp. 108-109.
- [6] Luo Haocai, et al.: Soft Law and Public Governance. Peking University Press, 2006, pp. 8-9.
- [7] Zhang Yanqiang: "On the Impact of Amicus Curiae Opinions on the South China Sea Arbitration Case between China and the Philippines," Asia-Pacific Security and Maritime Research, Issue 3, 2018, pp. 44-45.
- [8] Edited by Huang Zhixiong: Non-Governmental Organizations from the Perspective of International Law: Trends, Impacts, and Responses. China University of Political Science and Law Press, 2012, pp. 49-51.