

# Analysis on the Relationship between Social Security Law and Labor Law in China

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**Abstract:** In China, both labor law and social security law belong to social law, and their relationship is the key to determine the orientation of social law. Although there are some differences between them, they are closely related. Jointly safeguard people's legitimate social rights and interests. This paper holds that the in-depth study of the internal relationship between the labor law and the social security law in the new period plays an important role in deepening China's economic restructuring and enterprise reform.

**Keywords:** Labor law; Social security law; Social law

## 1. Introduction

At present, China's social and economic structure has been further optimized, but with the acceleration of economic globalization, China is also facing certain social and economic problems. In this context, the role and value of labor law and social security law are more obvious, which need to focus on and explore. For the labor law and social security law, the core of their adjustment object is the workers, which cooperatively realizes the protection of the legitimate interests of enterprises and workers.

## 2. The difference between labor law and social security law

In essence, the labor law and social security law are analyzed. The labor law is a legal system to coordinate the labor relations among enterprises, units and workers; The law of social security is to coordinate the social assistance, insurance and welfare relations among citizens, social organizations, social security institutions, enterprises, institutions and the state. Although both of them are legal provisions issued for the social legitimate interests of vulnerable groups in order to safeguard the basic rights and interests of workers and protect their labor achievements, the social security law is the product of further extension and expansion on the basis of the labor law<sup>[1]</sup>.

## 3. The relationship between labor law and social security law in the new era

### 3.1 Analysis of the relationship between the two in the development stage

The development stage of China's labor law and social security law belongs to the early 1920s. At the beginning of their establishment, they were independent of each other and played different roles without obvious connection. This is because the labor law mainly focuses on the coordination of labor relations between enterprise capitalists and workers. It stipulates the labor standard, work and rest time and the minimum wage level of workers in the form of law, which is used to protect the interests of workers and enterprise capitalists. The purpose of the social security law is to relieve the poor at that time, and to protect the social assistance and insurance services of the working people at that time, so as to prevent them from losing their basic life security because of poverty, disease, work-related injury and pension problems, so as to effectively safeguard the legitimate rights and interests of the country, society and the protected people at that time<sup>[2]</sup>. Therefore, labor law and social security law are two different kinds of protection of labor relations and social relations in terms of legislative purposes, which do not belong to the scope of social law. Since the 1930s, the relationship between the two began to increase, and gradually permeated the awareness of human rights and rights, and gradually became the real sense of social law. However, as far as the labor law and social security law were concerned, they were always different in the object and way of adjustment, which led to the fact that the labor law and social security law could not be integrated. Since the founding of the people's Republic of China, the labor law and the social security law have been greatly linked because people are the masters of the country. However, with the reform and opening up, the labor law and the social security law have not adapted to the development of the society at that time. Therefore, the state implemented a new labor law in 1995 to protect the legitimate rights and interests of workers and adjust labor relations, Establish and maintain a labor system suitable for the socialist market economy, and promote economic development and social progress. The promulgation and implementation of the new labor law has a closer relationship with the social security law.

### 3.2 An analysis of the relationship between the two in social insurance

The author has said in the above, labor law and social security law have obvious differences in nature, there is no inclusive

relationship. In addition to the close relationship in the coordination of labor relations, they also have a close relationship in social insurance. For social insurance, labor law focuses on the content of labor insurance, while social security law focuses on industrial injury insurance and labor insurance. It can be said that labor law and social security law are legislated from different angles to coordinate two different social relations; The social security law focuses on the social insurance relationship between the state and individuals. Moreover, at present, China has incorporated the social insurance law into the legal system of the social security law, and the labor law has also made new amendments and adjustments in 2018, making appropriate adjustments and improvements to the content of social insurance. This development is the inevitable result of the development of social law in China. In other words, in terms of social insurance, the labor law has adjusted the requirements of insurance and welfare, and the social security law has incorporated the social insurance law into the social security system. Therefore, labor law and social security law have a closer relationship in social insurance and welfare. Under the interaction, they can better protect the legitimate rights and interests of citizens and promote the construction and improvement of China's social security system.

#### **4. Conclusion**

To sum up, under the condition of continuous development of market economy, we must clearly define the relationship between labor law and social security law. For labor law and social security law, labor law and social security law are parallel legal departments. Because social insurance law is one of the subordinate laws of labor law, there are overlapping and overlapping contents between them. At the same time, although the relationship between the two is close, it does not mean that there is an inclusive relationship between them, and there are differences in nature, content, subject and consequence.

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