完善市场经济基础制度：改革开放的成就与推进中国式现代化的关键路径

赵振华*

中共中央党校（国家行政学院）经济学部

摘　要：本文界定了市场经济基础制度的基本内涵，简要回顾了我国市场经济体制建立和完善的过程；从已经形成比较完整的市场经济基础制度体系、确保市场经济有序平稳运行、实现国民经济平稳持续发展、市场经济基础制度深入人心等方面阐述了改革开放以来我国在市场经济基础制度等方面取得的巨大成就；从构建高水平社会主义市场经济体制、如期实现现代化强国宏伟目标、在国际竞争中赢得战略主动等方面论证了进一步完善市场经济基础制度的重要性和必要性；从我国当前在市场经济基础制度方面存在的突出问题出发，提出了进一步完善市场经济基础制度的基本思路，需要完善产权制度、市场准入制度、公平竞争制度，健全社会信用体系和监管制度等。

关键词：市场经济基础制度；改革开放；产权制度；公平竞争制度；社会信用体系

JEL 分类号：E60；O53

中国共产党第二十次全国代表大会报告指出，要“完善产权保护、市场准入、公平竞争、社会信用等市场经济基础制度，优化营商环境”（习近平，2022：29）。中国共产党第二十届中央委员会第三次全体会议通过的《中共中央关于进一步全面深化改革 推进中国式现代化的决定》进一步明确了当前和今后一个时期完善市场经济基础制度的主要任务。本文拟围绕市场经济基础制度的基本内涵、完善市场经济基础制度的重要性和必要性、我国在完善市场经济基础制度方面取得的重大成就以及如何完善市场经济基础制度等基本问题谈谈学习体会，以就教于方家。

一、准确把握市场经济基础制度的基本内涵

商品出现之后，人类社会存在两种资源配置方式：一种是通过计划机制配置资源的高度集中的计划经济体制，一种是通过市场机制（即供求、竞争、价格等机制）配置资源的市场经济体制。就市场经济体制而言，资本主义国家实行的是资本主义市场经济体制，我国实行的是社会主义市场经济体制，二者既有共同性，又有本质区别。中国共产党第十一届中央委员会第三次全体会议之前，我国实行的是高度集中的计划经济体制，国民经济处于崩溃的边缘。中国共产党第十一届中

* 联系人：赵振华，邮箱：syzzh91@sina.com。

中国知网 https://www.cnki.net

央委员会第三次全体会议之后，我国实行市场取向的改革，实现了从计划经济体制向社会主义市场经济体制的成功转型。中国共产党第十四次全国代表大会报告提出，“我国经济体制改革的目标是建立社会主义市场经济体制，使市场在社会主义国家宏观调控下对资源配置起基础性作用”（江泽民，2006）。中国共产党第十八届中央委员会第三次全体会议通过的《中共中央关于全面深化改革若干重大问题的决定》指出，“使市场在资源配置中起决定性作用和更好发挥政府作用。市场决定资源配置是市场经济的一般规律，健全社会主义市场经济体制必须遵循这条规律”（中共中央党校教务部，2015：202）。相较于市场对资源配置起基础性作用，市场在资源配置中起决定性作用，无论从认识维度、理论维度还是实践维度都是重大创新和巨大进步。中国共产党第二十届中央委员会第三次全体会议通过的《中共中央关于进一步全面深化改革、推进中国式现代化的决定》指出，“必须更好发挥市场机制作用，创造更加公平、更有活力的市场环境，实现资源配置效率最优化和效益最大化”。

作为资源配置方式，市场经济运行无比复杂且微妙，既涉及宏观经济运行又涉及微观主体行为，既涉及政府部门决策又涉及居民个体行为，既涉及消费品市场又涉及生产要素市场，既涉及国内市场又涉及国际市场。在经济全球化深度发展和互联网背景下，超量级生产要素和商品在世界范围内快速流动，没有任何一个市场主体可以脱离市场而生存。要保持国民经济持续健康发展，既需要充分发挥市场这只“看不见的手”的作用，让市场在资源配置中发挥决定性作用，又需要更好发挥政府这只“看得见的手”的作用。有市场就需要有规制市场的制度，如此才能确保市场经济有序高效运行，正如有汽车就需要交通规则一样。

相对于市场而言，政府的功能在于建立和完善相应的法律、规则等制度体系，用制度来激励和约束市场、政府、社会、居民等主体行为，同时为市场主体提供服务，降低其交易成本。从世界范围来看，既有全球性的国际贸易规则、国际金融规则等，如世界贸易组织（WTO）制定的规则；也有区域性的规则，如《全面与进步跨太平洋伙伴关系协定》《美墨加协定》等，各个国家或地区也有各类规范市场经济运行的规则体系。我国市场经济起步虽然较晚，但经过几十年的努力，已经形成了比较完备的市场经济法律、规则等制度体系。从法律体系来看，《中华人民共和国宪法》明确规定：“国家实行社会主义市场经济。”有规范市场主体行为的法律如《中华人民共和国公司法》《中华人民共和国票据法》等；有规范市场宏观调控的法律，如《中华人民共和国预算法》《中华人民共和国审计法》《中华人民共和国国有资产法》等；有规范市场秩序的法律，如《中华人民共和国反不正当竞争法》《中华人民共和国消费者权益保护法》《中华人民共和国反垄断法》等；此外还有《中华人民共和国对外贸易法》《中华人民共和国仲裁法》等。同时，从中央政府到地方政府还出台了大量的属于条例和规定性质的行政法规和地方性法规。可以说中国的社会主义市场经济已经

中国知网 https://www.cnki.net

形成庞大的制度体系，每一部法律法规、条例等都有其适用的对象，发挥着特定的功能，对于维护市场经济有序高效运行发挥着重要作用。因而，要构建高水平社会主义市场经济体制，还需要进一步完善市场经济基础制度。

市场经济基础制度主要包括产权制度、市场准入制度、公平竞争制度和社会信用制度等。产权是经济所有制关系的法律表现形式，“一定所有制关系所特有的法的观念”（马克思、恩格斯，1975：608），是以合法财产所有权为核心的一种权利，具体包括财产的所有权、占有权、使用权、收益权和处分权等。产权制度的功能是降低交易成本，提高资源配置效率。市场准入制度是国家对市场主体资格的确立、审核和确认的制度。它既是市场主体进入市场的起点，也是政府管理市场的起点，目的是为了维护市场公平竞争和保护消费者权益，通过市场准入制度，可以有效地规范市场主体行为，防止不正当竞争和市场乱象的发生。公平竞争制度是市场经济的基本原则，是市场机制有序高效运行的基本前提，是完善社会主义市场经济体制的内在要求，是推进全国统一大市场的迫切需要。社会信用制度是指规范信用主体遵守法定义务、依法履行职责或者履行约定义务的规则体系。完善社会信用体系是中国特色社会主义市场经济走向成熟的重要标志之一，其基本功能是褒扬诚信、惩戒失信，降低发展风险，促进发展。市场经济基础制度谓之基础，是因为这些制度与其他制度相比，对于构建高水平社会主义市场经济体制具有基础性的功能，犹如大厦的根基，它决定市场经济的性质、发展方向和资源配置功能的发挥。

二、中国特色社会主义市场经济基础制度取得的成效

中国共产党第十一届中央委员会第三次全体会议拉开了我国改革开放的序幕，社会主义市场经济基础制度经历了从确立到完善的过程。中国共产党第十一届中央委员会第三次全体会议公报提出，让地方和工农业企业在国家统一计划的指导下有更多的经营管理自主权；正确改革同生产力迅速发展不相适应的生产关系和上层建筑。中国共产党第十一届中央委员会第六次全体会议提出，必须在公有制基础上实行计划经济，同时发挥市场调节的辅助作用。要大力发展社会主义的商品生产和商品交换。中国共产党第十二次全国代表大会提出，正确贯彻计划经济为主，市场调节为辅的原则。中国共产党第十二届中央委员会第三次全体会议提出，社会主义经济是公有制基础上的有计划的商品经济。实行计划经济不等于指令性计划为主，有步骤地适当缩小指令性计划的范围，适当扩大指导性计划的范围。中国共产党第十三次全国代表大会提出，国家对企业的管理应逐步转向以间接管理为主。计划和市场的作用范围都是覆盖全社会的、新的经济运行机制，总体上来说应当是“国家调节市场，市场引导企业”的机制。中国共产党第十四次全国代表大会提出，我国经济体制改革的目标是建立社会主义市场经济体制。使市场在社会主义国家宏观

中国知网 https://www.cnki.net

调控下对资源配置起基础性作用，使经济活动遵循价值规律的要求，适应供求关系的变化；通过价格杠杆和竞争机制的功能，把资源配置到效益较好的环节中去，并给企业以压力和动力，实现优胜劣汰；运用市场对各种经济信号反应比较灵敏的优点，促进生产和需求的及时协调。加强和改善国家对经济的宏观调控。

社会主义市场经济的特征是：在所有制结构上，以公有制为主体，多种经济成分长期共同发展；在分配制度上，以按劳分配为主体，其他分配方式为补充，兼顾效率与公平；在宏观调控上，把人民的当前利益与长远利益、局部利益与整体利益结合起来。中国共产党第十四届中央委员会第三次全体会议提出，社会主义市场经济体制的基本框架，即建立现代企业制度、全国统一开放的市场体系、以间接手段为主的完善的宏观调控体系、效率优先兼顾公平的收入分配制度、多层次的社会保障制度。中国共产党第十五次全国代表大会提出，公有制的主体地位主要体现在：公有资产在社会总资产中占优势；国有经济控制国民经济命脉，对经济发展起主导作用，主要体现在控制力上。公有制的实现形式可以而且应当多样化；继续鼓励、引导非公有制经济发展；国有企业改革要“抓大放小”。把按劳分配和按生产要素分配结合起来，依法保护合法收入、取缔非法收入、整顿不合理收入、调节过高收入。宏观调控的主要任务是：保持经济总量平衡、抑制通货膨胀、促进重大经济结构优化，实现经济稳定增长。中国共产党第十六次全国代表大会提出，必须毫不动摇地巩固和发展公有制经济；必须毫不动摇地鼓励、支持和引导非公有制经济发展。中国共产党第十六届中央委员会第三次全体会议提出，使股份制成为公有制的主要实现形式；允许非公有资本进入法律法规未禁入的基础设施、公用事业及其他行业和领域；建立归属清晰、权责明确、保护严格、流转顺畅的现代产权制度；完善市场体系，规范市场秩序；继续改善宏观调控，加快转变政府职能。中国共产党第十七次全国代表大会提出，坚持平等保护物权，形成各种所有制经济平等竞争、相互促进新格局；增强国有经济活力、控制力、影响力；加快建设国有资本经营预算制度；发展各类生产要素市场，完善反映市场供求关系、资源稀缺程度、环境损害成本的生产要素和资源价格形成机制；健全社会信用体系。中国共产党第十八次全国代表大会提出，经济体制改革的核心问题是处理好政府和市场的关系，必须更加尊重市场规律，更好发挥政府作用。要毫不动摇巩固和发展公有制经济，毫不动摇鼓励、支持、引导非公有制经济发展。健全现代市场体系，加强宏观调控目标和政策手段机制化建设。中国共产党第十八届中央委员会第三次全体会议提出，经济体制改革是全面深化改革的重点，核心问题是如何处理好政府和市场的关系，使市场在资源配置中起决定性作用和更好发挥政府作用。必须积极稳妥从广度和深度上推进市场化改革，大幅度减少政府对资源的直接配置，推动资源配置依据市场规则、市场价格、市场竞争实现效益最大化和效率最优化。

中国知网 https://www.cnki.net

政府的职责和作用主要是保持宏观经济稳定，加强和优化公共服务，保障公平竞争，加强市场监管，维护市场秩序，推动可持续发展，促进共同富裕，弥补市场失灵；坚持和完善基本经济制度，加快完善现代市场体系，加快转变政府职能。中国共产党第十九次全国代表大会提出，加快完善社会主义市场经济体制。经济体制改革必须以完善产权制度和要素市场化配置为重点，实现产权有效激励、要素自由流动、价格反应灵活、竞争公平有序、企业优胜劣汰。中国共产党第二十次全国代表大会提出，构建高水平社会主义市场经济体制。坚持和完善社会主义基本经济制度，充分发挥市场在资源配置中的决定性作用，更好发挥政府作用；深化国资国企改革，优化民营企业发展环境，完善中国特色现代企业制度；支持中小微企业发展；深化简政放权、放管结合、优化服务改革；构建全国统一大市场；完善市场经济基础制度；健全宏观经济治理体系；健全现代预算制度；深化金融体制改革；健全资本市场功能；加强反垄断和反不正当竞争，破除地方保护和行政性垄断，依法规范和引导资本健康发展。中国共产党第二十届中央委员会第三次全体会议提出，高水平社会主义市场经济体制是中国式现代化的重要保障。必须更好发挥市场机制作用，创造更加公平、更有活力的市场环境，实现资源配置效率最优化和效益最大化，既“放得活”又“管得住”，更好维护市场秩序、弥补市场失灵，畅通国民经济循环，激发全社会内生动力和创新活力。坚持和落实“两个毫不动摇”[①]，构建全国统一大市场，完善市场经济基础制度。

由此可见，中国共产党第十一届中央委员会第三次全体会议以来，我国以渐进的方式不断深化市场取向的改革，开启了人类历史上持续时间最长、涉及人口最多、影响最为广泛和深刻、取得成就最为显著的一场伟大变革，实现了中国从站起来到富起来的历史巨变。与市场经济相适应的制度体系也逐步建立和完善起来。

我国市场经济基础制度建设取得了巨大成就，主要体现在以下几个方面。

第一，我国已经形成比较完整的市场经济基础制度体系。从产权保护来看，已经发布《中华人民共和国民法典》《中华人民共和国土地管理法》《中华人民共和国城市房地产管理法》《中华人民共和国海域使用管理法》《中华人民共和国森林法》《中华人民共和国著作权法》《中华人民共和国专利法》《中华人民共和国商标法》等；从市场准入来看，中共中央办公厅、国务院办公厅印发了《关于完善市场准入制度的意见》，2015年国务院发布了《国务院关于实行市场准入负面清单制度的意见》；经党中央，国务院批注，国家发改委会同商务部、市场监管总局发布《市场准入负面清单（2025版）》；从保护公平竞争来看，中国共产党十九届中央全面深化改革委员会第二十一次会议

[①] 是指毫不动摇巩固和发展公有制经济，毫不动摇鼓励、支持、引导非公有制经济发展，保证各种所有制经济依法平等使用生产要素、公平参与市场竞争、同等受到法律保护。

中国知网 https://www.cnki.net

审议通过《关于强化反垄断深入推进公平竞争政策实施的意见》，首次形成公平竞争顶层设计政策框架，新修正的《中华人民共和国反垄断法》进一步将公平竞争明确为法律规定，公平竞争审查制度扎实推进，实现中央、省、市、县四级政府全覆盖。从社会信用制度来看，我国已经出台《社会信用体系建设规划纲要（2014—2020年）》《2024—2025年社会信用体系建设行动计划》等。从我国市场经济基础制度的建立和完善过程来看，呈现出鲜明的中国特色，从地方经验上升为中央政策，从中央政策转化为行政法规，从行政法规上升到法律，并以法律法规等激励和约束政府和市场各相关主体的行为。

第二，确保市场经济有序平稳运行。回顾中国市场经济体制确立和完善的过程，呈现出边改革、边发展、边总结经验并固化为制度，反过来又用制度促进市场经济有序平稳运行的鲜明特征。从问题出发，不断完善制度，实现了世界上人口最多国家从传统计划经济体制向社会主义市场经济体制转型过程的有序平稳运行，既克服了资本主义市场经济初期类似“羊吃人”圈地运动等严重不平等问题，又克服了苏联、东欧国家在转型过程中采取“休克”疗法产生的巨大经济和社会震荡；既克服了发达国家曾经出现的滞胀问题，又避免了不少发展中国家存在的“低收入陷阱”和“中等收入陷阱”等问题，实现了连续四十多年的持续、平稳快速发展，可以说创造了人类经济发展史的奇迹。我国市场经济发展的过程，充分证明马克思主义生产力决定生产关系、经济基础决定上层建筑的基本原理。“随着新生产力的获得，人们改变自己的生产方式，随着生产方式即谋生的方式的改变，人们也就会改变自己的一切社会关系。手推磨产生的是封建主的社会，蒸汽磨产生的是工业资本家的社会”（马克思、恩格斯，2009：602）生产关系随着生产力的发展不断调整和优化。习近平总书记指出：“改革开放只有进行时没有完成时。”（习近平，2014：69）制度产生于实践并促进实践向前发展，符合实践决定认识的辩证唯物主义方法论。“马克思主义者认为人类社会的生产活动，是一步又一步地由低级向高级发展，因此，人们的认识，不论对于自然界方面，对于社会方面，也都是一步又一步地由低级向高级发展，即由浅入深，由片面到更多的方面。”（毛泽东，1991：283）我国市场经济基础制度完善的过程就是中国共产党对市场经济矛盾运动的认识逐步深化的过程。

第三，实现国民经济持续平稳健康发展。法律法规、规则等制度属于生产关系范畴，衡量一种生产关系优劣的根本标志就是看它是否促进生产力的发展。究竟什么样的生产关系是好的，不能从生产关系自身来判断，生产力是判断生产关系先进还是落后的客观尺度和标准。亚里士多德曾经形象地指出：“一幢房子，就是一个除了建筑者之外，其他人也能够理解的物品，实际上房子的居住者，也就是房子的主人，能够比房子的建筑者更能对房子做出准确的判断。同样地，一位舵师比一位造船的木匠更善于鉴别一只舵的好坏，对于一桌宴席，最好的评判者不是那位厨师，而是

中国知网 https://www.cnki.net

食客。”(亚里士多德,2009:120)毛泽东在《论联合政府》中指出:“中国一切政党的政策及实践在中国人民中所表现的作用的好坏、大小,归根到底,看它对于中国人民的生产力的发展是否有帮助及其帮助之大小。”(毛泽东,1991:1079)邓小平指出:改革开放得失成败,“判断的标准,应该主要看是否有利于发展社会主义社会的生产力,是否有利于增强社会主义国家的综合国力,是否有利于提高人民的生活水平。”(邓小平,1993:372)习近平总书记深刻指出:“鞋子合不合脚,只有穿的人才知道。中国特色社会主义制度好不好、优越不优越,中国人民最清楚,也最有发言权。”(习近平,2020:124)“必须以最广大人民根本利益为我们一切工作的根本出发点和落脚点,坚持把人民拥护不拥护、赞成不赞成、高兴不高兴作为制定政策的依据”(习近平,2020:182)。改革开放以来,我国生产力得以极大发展,综合实力得以极大提高,人民生活得以极大改善。国内生产总值从1978年的3678.7亿元增至2024年的134.91万亿元,增长367倍;经济总量从世界第10位跃居第2位,对全球经济增长贡献率多年超30%,经济增长质量大幅度提高,科技进步贡献率大幅度提高,大国重器不断问世,科技整体水平由完全跟跑正在向并跑和少数领跑转变,进入创新型国家行列。城乡居民人均可支配收入分别从1978年的343元和134元提高到54188元和23119元,分别是1978年的160倍和173倍。[②]国民经济和社会发展取得的巨大成就,根本原因就是实行了改革开放的政策,确立并不断完善社会主义市场经济体制,实践证明我国的生产关系适应并促进生产力发展。正如习近平总书记所指出的:“实践充分证明,改革开放和社会主义现代化建设新时期我国大踏步赶上时代,靠的是改革开放。党的第十八大以来,党和国家事业取得历史性成就、发生历史性变革,靠的也是改革开放。新时代新征程上,要开创中国式现代化建设新局面,仍然要靠改革开放。”(习近平,2024)而促进社会主义市场经济有序平稳运行的是与市场经济相适应的制度体系特别是市场经济基础制度的不断完善。

第四,遵循市场经济基础制度办事的观念深入人心。经过几十年的努力,已经形成越来越多的市场主体依靠法律法规等来解决问题的良好氛围。据统计,1978年我国人民法院审理民事案件收案300787件,2012年收案7316463件,2023年收案17530542件。2023年收案的民事一审案件中,人格权纠纷192977件,物权纠纷349681件,合同、无因管理、不当得利纠纷11936754件,知识产权与竞争纠纷462176件,与公司、证券、保险、票据等有关的民事纠纷599395件,侵权责任纠纷1091165件。另外,2023年调解民间纠纷1720万件。(国家统计局,2024:769、771、773)由此可以看出,一方面,伴随着市场经济的深入发展,与市场相关的案件越来越多;另一方面,反映出越来越多的市场主体通过法律手段来解决各种纠纷。

[②] 数据来源于历年《中国统计年鉴》。

中国知网 https://www.cnki.net

三、深刻认识完善市场经济基础制度的重要性和必要性

第一，构建高水平社会主义市场经济体制必须完善市场经济基础制度。不同的生产方式要求有与之相适应的制度或制度体系。从市场经济产生和发展的历史来看，原始社会生产力水平极其低下，原始氏族没有剩余产品，自然也就没有市场。原始人依靠约定俗成和男女分工维持简单的生产和生活，成年人狩猎或采集，老年人照顾孩子。“考古学者根据石器类型的差别，推测旧石器时代中期就有了性别的分工，男子从事狩猎，妇女则从事采集。”（马世力，1999：23）到了原始社会末期，随着生产力的缓慢发展，产品有了剩余，才在不同氏族之间有了简单的偶然的物物交换，市场处于萌芽状态，没有成文的交易规则。商品生产和交换产生的基本条件，一是社会分工，“这种分工是商品生产存在的条件”；二是“只有独立的互不依赖的私人劳动的产品，才作为商品相互对立。”（马克思、恩格斯，2009：55）在漫长的农耕社会，人们经济活动的范围极其狭小，交易的商品数量极其有限，市场交易量极少，交易手段简单，只需要简单的规则即可维持市场秩序。工业革命之后，人们从事经济活动的范围急剧扩大，市场交易主体和交易对象及商品数量以指数级速度增加，交易手段日趋复杂，跨国公司已经出现。“英国的煤产量从1770年的600万吨上升到1800年的1200万吨，进而又上升到1861年的5700万吨。同样，英国的铁产量也从1770年的5万吨增长到1800年的25万吨，进而增长到1861年的380万吨”（斯塔夫里阿诺斯，2005：493）。19世纪70年代初法国“雇用1至2人的小企业竟达数十万家。”（马世力，1999：240）马克思深刻地指出：“资产阶级在它的不到一百年的阶级统治中所创造的生产力，比过去一切时代创造的全部生产力还要多，还要大。”（马克思、恩格斯，1995：277）在市场经济建立和发展过程中，市场经济规则亦随之完善，比如1846年英国议会废止了阻碍自由贸易的《谷物法》，1941年英美签署《大西洋宪章》，其中重要一点是各国在贸易和原料方面享受平等待遇，促成一切国家在经济方面最全面的合作。当今社会已经进入信息时代，经济全球化愈益向纵深发展，无论是市场主体、市场客体还是市场范围、交易手段等都是与过去不可同日而语的，每时每刻都有巨量生产要素实现跨国流动，客观上要求与之相适应的市场经济基础制度愈益完善。从我国市场经济的历史和实践来看，我国当前正处于从比较完善的社会主义市场经济体制迈向高水平社会主义市场经济体制阶段，客观上要求加快完善与市场经济相关的各项制度，特别是市场经济基础制度。制度建设是最重要的基础设施工程。完善市场经济基础制度既是高水平社会主义市场经济体制的应有之义，又是其必要条件。只有完善市场经济基础制度，才能更好地坚持和落实“两个毫不动摇”，才能构建全国统一大市场。

第二，要如期实现现代化强国的宏伟目标必须完善市场经济基础制度。习近平总书记指出：要“把中国式现代化蓝图变为现实，根本在于进一步全面深化改革，不断完善各方面体制机制，为推进中国式现代化提供制度保障。”（习近平，2024）进一步全面深化改革的重点是经济体制改革，

中国知网 https://www.cnki.net

深化经济体制改革的重要任务是构建高水平社会主义市场经济体制。要构建高水平社会主义市场经济体制，需要夯实市场经济基础制度，保障市场公平竞争。产权是所有制的核心，产权制度是市场经济运行的基石，也是夯实市场经济基础制度的基石。只有产权界定清晰并得到有效保护，才能维护公平正义，形成稳定的社会预期，增强市场主体的创新创业动力，维护市场经济高效运行。因为所有权、占有权、支配权和使用权等权能行使的目的是收益权，将投资与收益有效结合，才能激发市场主体参与市场活动的积极性。市场准入制度是社会主义市场经济基础制度之一，是推动有效市场和有为政府更好结合的关键。构建开放透明、规范有序、平等竞争、权责清晰、监管有力的市场准入制度体系，营造市场化、法治化、国际化一流营商环境，能够充分调动市场主体的积极性，激发市场活力。公平竞争是市场经济的核心，公平竞争制度是实现资源配置效率最优化和收益最大化的重要保障。社会信用制度是市场经济健康规范高效有序运行的重要基础，是培育高质量经营主体的基本途径，是构建以信用为基础的新型监管机制、降低制度性交易成本，有效防范化解市场运行风险。

第三，要在激烈的国际竞争中赢得战略主动，必须完善市场经济基础制度。当今世界正处于百年未有之大变局，各国特别是大国之间的竞争十分激烈。国与国之间的竞争表面看是产品和服务的竞争，是科技创新和人才的竞争，实则是包括政治制度、经济制度、文化制度、社会制度、生态文明制度等综合制度的竞争。在经济制度中，市场经济基础制度处于基础地位，发挥着关键作用，它直接决定政府与市场功能的发挥。哪个国家能够更好地处理政府与市场的关系，哪个国家就能够更好地实现高效率的资源配置特别是创新资源的配置，进而在全球范围内吸引最为稀缺的生产要素特别是创新要素，占领市场竞争的制高点。中国要想在激烈的国际竞争中赢得战略主动，就必须进一步全面深化改革，完善包括市场经济基础制度在内的各项制度，以制度效能促进高质量发展，以高质量发展赢得综合国力竞争的优势。

四、完善市场经济基础制度的基本思路

经过几十年的探索和发展，我国市场经济基础制度已经建立起来，要构建高水平社会主义市场经济体制，还需要进一步完善市场经济基础制度。

一是完善产权制度。完善产权制度的原则是依法平等长久保护各种所有制经济产权，坚持权利平等、机会平等、规则平等。《中华人民共和国宪法》第十三条规定："公民的合法的私有财产不受侵犯。国家依照法律规定保护公民的私有财产权和继承权。"《中华人民共和国民法典》第二百零七条规定："国家、集体、私人的物权和其他权利人的物权受法律平等保护，任何组织或者个人不得侵犯。"完善产权制度的目标是要构建归属清晰、权责明确、保护严格、流转顺畅

中国知网 https://www.cnki.net

的现代产权制度和产权法律保护框架。由于财产属于不同的产权主体，有不同的属性，对于不同的财产需要构建不同的产权制度。对于国有资本而言，要完善以管资本为主的经营性国有资产产权管理制度，加快转变国有资产监管机构职能和履职方式。要对侵犯各种所有制经济产权和合法利益的行为实施同责同罪同罚，完善惩罚性赔偿制度。废除对非公有制经济各种形式的不合理规定，消除各种隐性壁垒。要健全自然资源资产产权制度，加强对自然资源的保护和管理，实现资源和环境的可持续利用和共赢发展。要完善农村基本经营制度，深化农村承包地“三权分置”改革，深化农村集体产权制度改革，完善产权权能，有序推进农村第二轮土地承包到期后再延长三十年试点。知识产权是创作者基于智力成果在一段时间内享有的专有权和独占权。要建立高效的知识产权综合管理体制，着力完善知识产权法治保障，抓好重点领域立法修法，着力实施知识产权高标准保护，大力实施知识产权保护体系建设工程。

二是完善市场准入制度。完善市场准入制度就是要针对当前市场准入的突出问题，推行“全国一张清单”的管理模式，动态调整市场准入负面清单内容并向社会全面公开。全面放宽各类市场准入，实施宽进严管，既要准入又要准营。要打破国有资本对金融、交通、电信和公用事业等领域的垄断，持续推进社会服务业市场化改革，放宽民营经济进入社会服务业的门槛。要深化注册资本认缴登记制度改革，实行依法按期认缴，实施实缴出资信息强制公示，强化真实出资的法律义务，加大对虚假出资和违反公示义务的法律责任追究。要加快构建与新质生产力相适应的制度规则体系，加强新领域新赛道的制度供给，优化新业态新领域市场准入环境，加快构建绿色能源等领域准入政策体系，扩大数字产品市场准入。完善企业退出制度，建立统一规范的市场退出程序，推进企业注销配套改革，健全企业破产机制，探索建立个人破产制度。

三是完善公平竞争制度。完善公平竞争制度就是要持续深化垄断行业改革，推进能源、铁路、电信、公用事业等行业自然垄断环节独立运营和竞争性环节市场化改革；强化反垄断法制建设，加强公平竞争审查的刚性约束，强化反垄断和反不正当竞争，完善和落实公平竞争审查制度，实施公平竞争审查条例，破除影响公平竞争的障碍和隐性壁垒，建立健全第三方审查和评估机制；加强和改进监管执法，构建跨行政区域的反垄断和反不正当竞争的案件移送、执法协助、联合执法机制；建立竞争政策与其他经济政策的协调机制，营造稳定公开透明可预期的市场竞争环境；推进竞争规则领域制度型开放，加强数据跨境流动治理、数据隐私保护等规则衔接，健全数字经济公平竞争治理规则，建立互联网平台规则、算法等竞争审查评估制度。完善市场信息披露制度，构建商业秘密保护制度。

四是健全社会信用体系和监管制度。健全社会信用体系和监管制度，需要健全以信用为基础的新型监管机制，完善全链条全生命周期的信用监管体系；持续推动社会信用体系法规制度

中国知网 https://www.cnki.net

建设，提升社会信用体系法治化规范化水平；加强信用信息共享应用，依法扩大信用信息开放；落实全国公共信用基础目录和全国失信惩戒措施基础清单各项举措，加强和规范守信联合激励和失信联合惩戒机制建设；培育具有国际竞争力的信用评级机构，进一步推广信用承诺制和告知承诺制，进一步加强与群众密切相关领域的信用建设。

参考文献

邓小平. 邓小平文选(第三卷)[M]. 北京: 人民出版社, 1993.

江泽民. 江泽民文选(第一卷)[M]. 北京: 人民出版社, 2006.

关于进一步全面深化改革 推进中国式现代化的决定[M]. 北京: 人民出版社, 2024.

国家统计局. 中国统计年鉴2024[S]. 北京: 中国统计出版社, 2024.

马克思, 恩格斯. 马克思恩格斯全集(第30卷)[M]. 北京: 人民出版社, 1975.

马克思, 恩格斯. 马克思恩格斯文集(第一卷)[M]. 北京: 人民出版社, 2009.

马克思, 恩格斯. 马克思恩格斯文集(第五卷)[M]. 北京: 人民出版社, 2009.

马克思, 恩格斯. 马克思恩格斯选集(第一卷)[M]. 北京: 人民出版社, 1995.

马世力. 世界史纲(下册)[M]. 上海: 上海人民出版社, 1999.

毛泽东. 毛泽东选集(第一卷)[M]. 北京: 人民出版社, 1991.

毛泽东. 毛泽东选集(第三卷)[M]. 北京: 人民出版社, 1991.

斯塔夫里阿诺斯. 全球通史(下)[M]. 北京: 北京大学出版社, 2005.

习近平. 习近平谈治国理政(第一卷)[M]. 北京: 人民出版社, 2014.

习近平. 习近平谈治国理政(第三卷)[M]. 北京: 人民出版社, 2020.

习近平.在中国共产党第二十次全国代表大会上的报告[M]. 北京: 人民出版社, 2022.

习近平.关于《中共中央关于进一步全面深化改革 推进中国式现代化的决定》的说明[N]. 人民日报, 2024-07-22.

亚里士多德. 政治学[M]. 北京: 中国社会科学出版社, 2009.

中共中央关于全面深化改革若干重大问题的决定[N]. 人民日报, 2013-11-16.

中共中央文献研究室，十四大以来重要文献选编(上)[M]. 北京: 中央文献出版社, 2011.

中国共产党第二十次全国代表大会文件汇编[M]. 北京: 人民出版社, 2022.

中国知网 https://www.cnki.net

Perfecting the Foundational Institutions for Market Economy: Reform Achievements and Path to Chinese Modernization

Zhao Zhenhua*

Department of Economics at the Party School of the Communist Party of China (CPC) Central Committee (National Academy of Governance), Beijing, China

Abstract: *This paper defines the core connotations of the foundational institutions for market economy and briefly reviews the establishment and improvement of China's market economy system. It highlights the significant achievements China has made in this regard since reform and opening-up in 1978, including the development of relatively complete systems of the market economy, the orderly and stable operation of the market economy, the sustained and steady growth of the national economy, and the deep-rooted recognition of the foundational institutions for market economy. Furthermore, it discusses the importance and necessity of further improving these foundational systems for China to build a high-standard socialist market economy, achieve the ambitious goal of becoming a modern and powerful nation on schedule, and gain a strategic advantage in international competition. Based on an analysis of the key challenges currently present in China's market economy systems, this paper outlines major tasks and policy measures for further improvements, including enhancing the property rights system, market access regulations, fair competition mechanisms, and improving the regulatory framework for the social credit system.*

Keywords: *Foundational institutions for market economy; reform and opening up; property rights system; fair competition system; social credit system*

JEL Classification Codes: E60; O53

DOI: 10.19602/j.chinaeconomist.2025.05.01

The *Report to the 20th National Congress of the Communist Party of China (CPC)* in 2022 emphasized: "We will refine the systems underpinning the market economy, such as those for property rights protection, market access, fair competition, and social credit, in order to improve the business environment" (Xi Jinping, 2022: 29). This vision was further elaborated in the *Resolution of the CPC Central Committee on Further Deepening Reform Comprehensively to Advance Chinese Modernization*, adopted at the Third Plenary Session of the 20th CPC Central Committee in 2024, which laid out the key tasks for improving these foundational systems both at the current stage and in the future. This paper aims to explore the fundamental essence of these market economy systems, highlight their critical importance and necessity, review the significant progress China has made in enhancing them, and propose strategies for further improvement. Through this discussion, we invite your valuable insights to enrich the discourse.

* CONTACT: Zhao Zhenhua, e-mail: syzzh91@sina.com.

中国知网 https://www.cnki.net

1. Basic Connotations of Foundational Institutions for Market Economy

With the emergence of commodities, human societies have employed two main approaches to resource allocation. One is the highly centralized planned economy, where resources are allocated through a planned mechanism. The other is the market economy, where supply and demand, competition, and pricing determine resource distribution. In the realm of market economies, capitalist nations adopt a capitalist market economy, whereas China follows a socialist market economy—the two systems share similarities but differ fundamentally. Before the Third Plenary Session of the 11th CPC Central Committee in 1978, China adhered to a highly centralized planned economy, and the national economy was on the verge of collapse. Following that landmark session, China introduced market-oriented reforms, achieving a successful transition from a planned economy to a socialist market economy.

The *Report to the 14th National Congress of the CPC in 1992* solidified this shift, declaring: "The goal of China's economic system reform is to establish a socialist market economy system" and "to enable the market to play a basic role in resource allocation under the macroeconomic regulation of the socialist country" (Jiang Zemin, 1992). This vision evolved further with the *Resolution of the CPC Central Committee on Comprehensively Deepening Reform*, adopted at the Third Plenary Session of the 18th CPC Central Committee in 2013. It proclaimed: "We must enable the market to play a decisive role in resource allocation and to better leverage the role of the government. Market-determined resource allocation is a universal principle of the market economy, and building a robust socialist market economy system must adhere to this principle" (Academic Affairs Department of the Party School of the CPC Central Committee, 2015: 202). From the market playing a "basic" role to a "decisive" one, it marks a significant innovation and a major advancement, whether viewed from the cognitive, theoretical, or the practical perspective.

The *Resolution of the CPC Central Committee on Further Deepening Reform Comprehensively to Advance Chinese Modernization,* adopted at the Third Plenary Session of the 20th Central Committee in 2024, emphasizes the importance of enhancing market mechanisms. It states: "We must better leverage the role of market mechanisms, create a fairer and more dynamic market environment, and achieve optimal efficiency and maximization of benefits in resource allocation."

A market economy, as a system for distributing resources, is remarkably intricate, blending broad macroeconomic trends with the specific behavior of individual entities. It encompasses both government decision-making and everyday people, while linking consumer goods markets with production factor markets, and domestic economies with global trade. In today's interconnected world—shaped by advancing globalization and the internet—vast flows of production factors and goods move swiftly across borders. No market participant can exist in isolation from the market. To maintain the sustained and healthy development of the national economy, it is essential to fully harness the invisible hand of the market, allowing it to play a decisive role in resource allocation. At the same time, the visible hand of the government must function effectively. Where there is a market, there must also be regulations to ensure its orderly and efficient operation—just as traffic rules are essential for safe driving. The role of the government is to establish and refine a legal and regulatory framework that incentivizes and constrains the behaviors of market participants, government agencies, society, and individuals. At the same time, it provides essential services to market players, reducing their transaction costs.

Globally, market economies operate within a layered regulatory framework. At the international level, there are universal trade and financial rules, such as those established by the World Trade Organization (WTO), alongside regional agreements like the Comprehensive and Progressive Agreement

中国知网 https://www.cnki.net

for Trans-Pacific Partnership (CPTPP) and the United States-Mexico-Canada Agreement (USMCA). Additionally, each country and region maintain its own legal and regulatory systems to govern market operations. China, despite its late start in developing a market economy, has built a comprehensive and well-structured legal framework for the market economy through decades of effort. The Constitution of the People's Republic of China explicitly states: "*The state practices a socialist market economy*", providing the foundation for a vast network of market regulations. Laws such as the Company Law, and Negotiable Instruments Law govern market entities. Macroeconomic regulation is guided by the *Budget Law, Audit Law*, and *State-Owned Assets Law*, while market order is maintained through statutes like the *Anti-Unfair Competition Law, Consumer Rights Protection Law,* and *Anti-Monopoly Law*. Additional laws, such as the *Foreign Trade Law* and *Commercial Arbitration Law*, further reinforce the system.

Beyond national legislation, a wide array of administrative and local regulations—issued at both central and regional levels—fine-tune market governance. Together, these legal instruments form a vast and intricate regulatory ecosystem, with each law and regulation serving a distinct role in maintaining order and efficiency. However, to further develop a high-standard socialist market economy, continuous refinement of these foundational systems remains essential.

The foundational systems of a market economy refer to a collection of interrelated yet distinct legal frameworks and rules that play a fundamental role in ensuring the orderly and efficient operation of a market economy. These primarily include the property rights system, the market access system, the fair competition system, and the social credit system.

Property rights are the legal expression of economic ownership relations. Described as "the legal conception specific to a particular ownership relation" (Marx & Engels, 1975: 608), property rights constitute a bundle of rights centered on ownership, encompassing possession, use, profit (usufruct), and disposition. The primary function of the property rights system is to reduce transaction costs and enhance the efficiency of resource allocation. The market access system refers to the legal framework through which the state establishes, reviews, and confirms the qualifications of market participants. It serves as both the entry point for market entities and the starting point for government regulation of the market. Its purpose is to maintain fair competition and protect consumer rights. By implementing this system, market participant behavior can be effectively regulated, preventing unfair competition and market disorder. The fair competition system is a core principle of a market economy and a prerequisite for the orderly and efficient functioning of market mechanisms. It is an intrinsic requirement for refining the socialist market economy system and an urgent necessity for advancing a unified national market. This system fosters an environment conducive to innovation, efficiency, and economic dynamism by curbing monopolistic practices and anti-competitive behavior. The social credit system pertains to the state in which natural persons, legal entities, and unincorporated organizations with full legal capacity comply with statutory obligations, perform their duties in accordance with the law, or fulfill contractual commitments. A well-developed social credit system is an important sign of the maturation of China's socialist market economy. Its fundamental role is to promote integrity and penalize dishonesty, thereby reducing developmental risks and facilitating sustainable growth.

These systems are deemed foundational because, compared to other systems, they perform a bedrock function in constructing a high-standard socialist market economy. Like the foundation of a grand edifice, they determine the nature of the market economy, its developmental direction, and the full realization of its resource allocation capabilities.

中国知网 https://www.cnki.net

2. Progress in China's Foundational Institutions for Market Economy

The Third Plenary Session of the 11th Central Committee of the Communist Party of China (CPC) in 1978 marked the beginning of China's reform and opening-up era, and initiated the process of establishing and improving the socialist market economy system. The *Communiqué of the Third Plenary Session* outlined policies granting local governments and industrial and agricultural enterprises greater autonomy in management under the guidance of the state unified planning. It also called for reforms in production relations and the superstructure to better align with the rapid development of productive forces. The Sixth Plenary Session of the 11th CPC Central Committee in 1981 further affirmed that the planned economy, based on public ownership, should remain the foundation, while the market should play a supplementary role in regulation. Additionally, it emphasized the necessity of expanding socialist commodity production and exchange.

The 12th CPC National Congress in 1982 established the principle of prioritizing planned economy with market regulation as a supplementary mechanism. The Third Plenary Session of the 12th CPC Central Committee in 1984 further clarified that the socialist economy is planned commodity economy based on public ownership. It emphasized that implementing planned economy does not equate to relying primarily on mandatory planning. Instead, it advocated for gradually reducing the scope of mandatory plans while appropriately expanding the scope of guidance-oriented plans.

The 13th National Congress of the CPC in 1987 declared that the state's management of enterprises must progressively shift toward indirect management as the primary approach. It asserted that both planning and the market should function across the entire economy, with the new economic operating mechanism featuring state regulation of the market, while the market, in turn, guides enterprises.

The 14th National Congress of the CPC in 1992 set forth the goal of China's economic reform: to establish a socialist market economy system. This system aims to make the market play a fundamental role in resource allocation under the macroeconomic regulation of the socialist state, ensuring that economic activities conform to the law of value and adapt to changes in supply and demand. Through price leverage and competition, resources would be directed toward more efficient sectors, forcing enterprises to achieve survival of the fittest. By leveraging the market's sensitivity to various economic signals, production and demand could be promptly aligned. At the same time, the state would strengthen and improve its macroeconomic regulation. The defining features of a socialist market economy are as follows: in terms of ownership structure, public ownership serves as the main pillar, while multiple economic sectors coexist and develop sustainably over the long term. In terms of distribution, distribution based on labor remains the primary method, supplemented by other forms, striking a balance between efficiency and fairness. In terms of macroeconomic regulation, it harmonizes short-term and long-term interests while aligning local interests with national development goals.

The Third Plenary Session of the 14th CPC Central Committee in 1993 put forward the basic framework of a socialist market economy, which includes a modern enterprise system, a unified and open national market system, a sound macro-control system mainly based on indirect means, an income distribution system that gives priority to efficiency while taking fairness into account, and a multi-tiered social security system.

The 15th CPC National Congress in 1997 affirmed the dominant position of public ownership, highlighting two key aspects: public assets accounting for the dominant position in the total social assets and the state-owned economy maintaining control over the lifeline of the national economy, thereby playing a leading role in economic development, which is mainly reflected in its control power. It was further emphasized that the forms of realizing public ownership could and should be diversified, while

中国知网 https://www.cnki.net

the non-public sector should be actively encouraged and guided to develop healthily. The reform of state-owned enterprises (SOEs) was to follow a "grasp the large, release the small" strategy, meaning prioritizing the development of large-scale SOEs while granting smaller ones greater operational autonomy.

The CPC advocated a system that combines distribution according to labor and distribution according to production factors. This system would protect legitimate income in accordance with the law, ban illegal income, rectify unreasonable income disparities, and regulate excessively high incomes. The main tasks of macroeconomic regulation were defined as maintaining the overall balance of the economy, curbing inflation, promoting the optimization of major economic structures, and achieving stable economic growth.

The 16th CPC National Congress in 2002 stressed the need to unwaveringly strengthen and develop the public sector while unwaveringly encouraging, supporting, and guiding the growth of the non-public sector. Then, in 2003, the Third Plenary Session of the 16th CPC Central Committee designated the shareholding system as the primary means of realizing public ownership. It further allowed non-public capital to enter industries and sectors not explicitly restricted by law, introduced a modern property rights system with clear ownership, well-defined rights and responsibilities, strict protection, and easy transferability, and called for improvements in the market system, regulation of market order, enhancement of macro-control, and acceleration of government function reforms.

The 17th CPC National Congress in 2007 highlighted the equal protection of property rights, aiming to create a competitive and mutually reinforcing environment for all types of ownership economies. It emphasized the need to enhance the vitality, control, and influence of the state-owned economy, accelerate the establishment of a state-owned capital operation budget system, develop various factor markets, and improve pricing mechanisms for production factors and resources to better reflect supply and demand, resource scarcity, and environmental costs. Additionally, it underscored the importance of strengthening the social credit system.

The 18th CPC National Congress in 2012 pointed out that the core issue of economic reform is to properly handle the relationship between the government and the market. It stressed the need to respect market laws more deeply while giving full play to the government's role. The Congress reaffirmed an unwavering commitment to strengthening and developing the public sector while unwaveringly encouraging, supporting, and guiding the development of the non-public sector. It also emphasized the importance of improving the modern market system and strengthening the institutionalization of macroeconomic regulation objectives and policy means.

Furthermore, the Third Plenary Session of the 18th CPC Central Committee in 2013 stressed that economic system reform is the key point of comprehensive deepening of reforms. It identified the core issue as effectively handling the relationship between the government and the market, ensuring that the market plays a decisive role in resource allocation while the government enhances its governance capabilities. The session called for a proactive yet steady advancement of market-oriented reforms in both breadth and depth, a substantial reduction in direct government intervention in resource allocation, and the promotion of market-driven resource distribution based on market rules, pricing mechanisms, and competition to achieve the highest efficiency and maximum benefits.

The government's primary responsibilities were outlined as maintaining macroeconomic stability, strengthening and improving public services, ensuring fair competition, enhancing market supervision, upholding market order, promoting sustainable development, fostering common prosperity, and addressing market failures. The session also underscored the necessity of upholding and refining the

中国知网 https://www.cnki.net

basic economic system, accelerating the establishment of a modern market system, and expediting the transformation of government functions.

The 19th CPC National Congress in 2017 called for accelerating improvements to the socialist market economy system. It emphasized that economic reforms should focus on perfecting the property rights system and promoting market-driven allocation of production factors. This approach aims to establish effective property rights incentives, ensure the free flow of production factors, make prices respond flexibly, foster fair and orderly competition, and enable enterprises to survive the fittest.

Moreover, the 20th CPC National Congress in 2022 proposed to build a high-standard socialist market economy system. It reaffirmed the commitment to upholding and refining the basic socialist economic system, fully leveraging the market's decisive role in resource allocation, and better playing the government's role. Key reform priorities included deepening state-owned asset and enterprise reforms, improving the development environment for private businesses, and improving a modern enterprise system with distinct Chinese characteristics. The Congress also emphasized support for small and medium-sized enterprises, further streamlining administration, delegating power, integrating regulation with deregulation, and enhancing public services. Additional strategic objectives included establishing a unified national market, perfecting the foundational systems of the market economy, and improving the macroeconomic governance framework. This entailed modernizing the budget system, deepening financial system reforms, improving the functions of the capital market, strengthening anti-monopoly and anti-unfair competition efforts, dismantling local protectionism and administrative monopolies, and ensuring the lawful regulation and healthy development of capital.

The Third Plenary Session of the 20th CPC Central Committee affirmed that a high-standard socialist market economy system is a crucial safeguard for Chinese modernization. It emphasized the necessity of giving full play to market mechanisms, creating a fairer and more vibrant market environment, and optimizing the allocation of resources to achieve the highest efficiency and maximum benefits. This requires enabling the market to operate more freely while maintaining effective regulation, so as to better maintain market order, remedy market failures, ensure the smooth circulation of the national economy, and stimulate the endogenous motivation and innovative vitality of the whole society. We should adhere to the principle of the "Two Unwaverings"[1], foster a unified national market and improve the foundational institutions for market economy.

As previously stated, since the Third Plenary Session of the 11th CPC Central Committee in 1978, China has progressively deepened its market-oriented reforms through a gradual approach, initiating the most prolonged, populous, and profoundly impactful monumental transformation in human history. This grand reform has achieved remarkable accomplishments, propelling China's historic leap from "standing up" to "becoming prosperous." Concurrently, a comprehensive institutional system compatible with market economy mechanisms has been progressively established and refined.

China has achieved remarkable progress in developing its foundational institutions for market economy, as evidenced by the following key aspects:

First, China has established a relatively comprehensive framework of foundational institutions for market economy. In terms of property rights protection, a robust legal framework has been put in place, including the *Civil Code, Land Administration Law, Urban Real Estate Administration Law, Law on the Administration of the Use of Sea Areas, Forest Law, Copyright Law, Patent Law, and Trademark*

[1] "Two unwavering principles" are stressed in the report to the 20th CPC National Congress: Improve the core competitiveness of state-owned enterprises, and optimize the development environment for private enterprises.

中国知网 https://www.cnki.net

Law. Regarding market access, the General Office of the CPC Central Committee and the General Office of the State Council issued the *Opinions on Improving the Market Access System*. Additionally, in 2015, the State Council introduced and later revised the *Opinions on Implementing the Negative List System for Market Access*. To safeguard fair competition, the 21st meeting of the Central Committee for Comprehensively Deepening Reform under the 19th CPC Central Committee reviewed and adopted the *Opinions on Strengthening Anti-Monopoly and Deepening the Implementation of Fair Competition Policy*, marking the establishment of China's first top-level policy framework for fair competition. The newly revised *Anti-Monopoly Law* further enshrines fair competition as a legal principle, and the fair competition review system has been implemented nationwide, covering governments at the central, provincial, municipal, and county levels.

In the domain of the social credit system, China has introduced the *Outline of the Social Credit System Construction Plan* (2014-2020) and the *Action Plan for Social Credit System Construction* (2024-2025). The development and refinement of China's foundational market economy systems reflect distinct Chinese characteristics. This process has progressed from local pilot programs to national policies, from administrative regulations to statutory laws, and ultimately to constitutional provisions. By leveraging laws, regulations, and institutional mechanisms, the country has established an adaptive framework that both incentivizes and regulates the behavior of governments and market participants.

Second, China has prioritized the orderly and stable operation of its market economy. A defining feature of its development has been an iterative approach—reforming, advancing, summarizing experiences, and institutionalizing them, with these systems in turn ensuring market stability. By continuously addressing emerging challenges and refining its institutional framework, China has smoothly transitioned from a traditional planned economy to a socialist market economy, despite being the world's most populous nation. This process has allowed China to avoid the severe inequalities seen in the early stages of capitalist market economies, such as those caused by the enclosure movement, where land privatization displaced peasants on a massive scale. It has also steered clear of the economic and social turmoil brought about by the "shock therapy" transitions in the former Soviet Union and Eastern European countries. Moreover, China has not only overcome the stagflation crises that once afflicted developed economies but has also escaped the "low-income trap" and "middle-income trap" that have hindered many developing nations. This has resulted in more than four decades of sustained, stable, and rapid growth—a feat that stands as a historic milestone in the global economic development.

The development of China's market economy vividly demonstrates the fundamental principles of Marxism: productive forces determine production relations, and the economic base shapes the superstructure. As Marx and Engels observed, "*With the acquisition of new productive forces, men change their mode of production, and with the change in the mode of production—the way they earn their living—they transform all their social relations. The hand-mill gives you a society with the feudal l*ord; the steam-engine, a society with the industrial capitalist" (Marx & Engels, 2009: 602). In China, production relations have continuously evolved and adapted in response to the advancement of productive forces. President Xi Jinping has emphasized the ongoing nature of reform, stating, "Reform and opening-up is a process that never ends" (Xi, 2014: 69). Institutions are born from practice and, in turn, propel practice forward, embodying the dialectical materialist principle that practice determines knowledge.

Chairman Mao Zedong also articulated this perspective, stating, "*Marxists believe that human society's productive activities develop step by step, from lower to higher stages. Consequently, human*

中国知网 https://www.cnki.net

*knowledge—whether about nature or society—also advances step by step, from the superficial to the profound, from one-sided t*o more comprehensive understanding" (Mao, 1991: 283). The ongoing refinement of China's market economy systems reflects the Communist Party of China's progressively deepening understanding of the internal contradictions within the market economy, honed through both theoretical insight and practical experience.

Third, China has maintained the sustained, stable, and healthy development of its national economy. Laws, regulations, and rules are fundamental components of production relations, and the key criterion for evaluating a system of production relations is whether it promotes the advancement of productive forces. The quality of a production relationship cannot be judged in isolation—productive forces serve as the objective benchmark for assessment. Aristotle vividly illustrated this principle: "*A house is something that can be understood not only by its builder but also by others. In fact, the one who lives in the house—the owner—can judge it better than the builder, just as a pilot is better equipped than a carpenter to evaluate a rudder, and a* guest is better suited than the cook to judge a feast" (Aristotle, 2009: 120).

Similarly, in *On Coalition Government* Chairman Mao Zedong emphasized*: "The final test of any political party's policies and practices in China ultimately depends on whether they help or hinder the development of the Chinese people's productive forces, and to what extent they contribute to that devel*opment" (Mao, 1991: 1079). Deng Xiaoping further refined this principle, stating that the success or failure of reform and opening-up should be judged by three key criteria: "*Whether it is conducive to the development of socialist productive forces, whether it strengthens the comprehensive national power of the socialist country, and whether it improves the living standards of the people*" (Deng, 1993: 372). President Xi Jinping expanded on this idea with a powerful analogy: "*Whether a pair of shoes fits, only the wearer knows. The Chinese people are the most qualified to judge—and have the greatest say in determining—whether the socialist system with Chinese characteristics is effective and superior*" (Xi, 2020: 124). He further stressed: "*The fundamental interests of the broadest masses of the people must be the starting point and ultimate goal of all our work. We must base our policymaking on whether the people support it, approve of it, and feel satisfied with it*" (Xi, 2020: 182).

Since the launch of reform and opening-up, China has made remarkable strides in productive forces, comprehensive national strength, and living standards. The country's gross domestic product (GDP) surged from 367.87 billion yuan in 1978 to 134.91 trillion yuan in 2024—a staggering 367-fold increase. China's global economic ranking rose from 10th to a solid 2nd place, with its contribution to world economic growth exceeding 30% for many years. The quality of growth has also improved significantly, driven by technological progress, breakthroughs in strategic industries, and a shift from merely following to competing and even leading in select fields—securing China's place among innovation-driven nations. Meanwhile, per capita disposable income for urban and rural residents soared from 343 yuan and 134 yuan in 1978 to 54,188 yuan and 23,119 yuan in 2024, marking 160-fold and 173-fold increases, respectively[2].

These extraordinary achievements stem fundamentally from reform and opening-up and the establishment and continuous refinement of the socialist market economy. Practice has proven that China's production relations have not only adapted to but actively propelled the development of productive forces. As President Xi Jinping has underscored: "*Practice has fully demonstrated that China's rapid progress in the era of reform, opening-up, and socialist modernization has relied on reform and opening-up. Since the 18th National Congress of the Communist Party of China, the historic*

[2] *China Statistical Yearbooks* for various years.

中国知网 https://www.cnki.net

achievements and profound transformations in the Party and the country have also been driven by reform and opening-up. On the new journey ahead, forging new milestones in Chinese modernization will still depend on reform and opening-up" (Xi, 2024). At the heart of a stable and well-functioning socialist market economy is a robust institutional framework—particularly the foundational systems that sustain and support market-oriented development.

Fourth, the concept of adhering to the foundational systems of a market economy has taken deep root in public consciousness. Decades of dedicated effort have fostered an increasingly favorable environment where market participants rely on laws, regulations, and systems to resolve disputes. This shift is vividly illustrated by statistical trends: in 1978, Chinese People's Courts handled 300,787 civil cases; by 2012, that number had soared to 7,316,463, and in 2023, it reached a significant 17,530,542. Breaking down the 2023 first-instance civil cases, we observe 192,977 disputes over personal rights, 349,681 involving property rights, a substantial 11,936,754 tied to contracts, unjust enrichment, and negotiorum gestio, 462,176 concerning intellectual property and competition, 599,395 related to companies, securities, insurance, and bills, and 1,091,165 stemming from tort liability. In addition, beyond the courtroom, 17.2 million civil disputes were settled through mediation in 2023 (*China Statistical Yearbook,* 2024: 769, 771, 773). These figures reveal a dual reality. On one hand, the deepening of the market economy has led to a sharp rise in market-related disputes; on the other, they reflect a growing trust among market participants in legal mechanisms to address a wide array of conflicts.

3. Recognizing the Importance and Necessity of Strengthening the Foundational Institutions for Market Economy

First, we must refine the foundational institutions for market economy, which are essential to building a high-standard socialist market economy system. Different modes of production require corresponding institutional frameworks. A historical review of the emergence and evolution of market economies demonstrates this point. In primitive societies, productive forces were extremely low, and clans produced no surplus goods, meaning there was no foundation for a market. Instead, people relied on conventions and a basic gender-based division of labor to sustain simple production and daily life—adults hunted or gathered, while the elderly cared for children. As archaeologist Ma Shili notes, "*Based on variations in stone tool types, it is speculated that a division of labor existed as early as the Middle Paleolithic Age, with men engaged in hunting and women in gathering*" (Ma, 1999: 23). As society evolved toward the late primitive era, the gradual advancement of productive forces gave rise to surpluses, sparking rudimentary and occasional barter exchanges between clans. At this stage, the market existed only in embryonic form, lacking formalized trading rules. The fundamental conditions for commodity production and exchange are twofold: first, the division of labor—"the division of labor is the prerequisite for commodity production"—and second, the existence of independent private labor, where "only the products of mutually independent private labors confront each other as commodities" (Marx & Engels, 2009: 55).

Throughout the long agrarian era, economic activities remained highly localized. The range of traded goods was limited, market transactions were scarce, and exchange methods were simple, requiring only basic rules to maintain order. Following the Industrial Revolution, the scope of economic activities expanded dramatically. The number of market participants and traded goods surged exponentially, while the methods of exchange grew increasingly sophisticated. Multinational corporations emerged as new powerful players. This transformation is clearly illustrated by production figures: British coal output climbed from 6 million tons in 1770 to 12 million tons in 1800, soaring to 57 million tons by 1861.

中国知网 https://www.cnki.net

Likewise, British iron production leaped from 50,000 tons in 1770 to 250,000 tons in 1800, reaching 3.8 million tons by 1861 (Stavrianos, 2005: 493). In France, by the early 1870s, "hundreds of thousands of small businesses, each employing one or two people," dotted the economic landscape (Ma, 1999: 240). Marx captured this great change with profound understanding: "*The bourgeoisie, in its barely century-long reign, has unleashed productive forces more vast and colossal than all previous generations combined*" (Marx & Engels, 1995: 277). As the market economy has taken shape and evolved, so too have its governing rules. In 1846, the British Parliament repealed the *Corn Laws*, removing barriers to free trade. Nearly a century later, in 1941, the United Kingdom and the United States signed the *Atlantic Charter*, which affirmed equal access to trade and raw materials for all nations—laying the groundwork for global economic cooperation.

Today, in the information age, economic globalization is advancing at an unprecedented pace. The nature of market participants, traded goods, transaction scope, and trading methods has undergone profound transformations. At every moment, vast flows of capital, labor, and technology cross borders, underscoring the urgent need for market institutions to evolve accordingly. This imperative is reflected in China's historical experience and ongoing market economy reforms. The country is transitioning from a relatively well-developed socialist market economy to a more advanced system, requiring accelerated improvements in market-related institutions—especially their foundational structures. Institutional development is the most fundamental infrastructure project of all. Strengthening the core systems of the market economy is both a defining feature and a necessary condition for achieving a high-standard socialist market economy system. Only by refining these systems can China more effectively uphold the "Two Unwaverings" principle—supporting both public and private sectors—and establish a unified national market.

Second, we must achieve the ambitious goal of a modern, powerful nation on schedule, which requires refinement of the foundational institutions for market economy. President Xi Jinping has emphasized: "To transform the blueprint of Chinese modernization into reality, the key lies in comprehensively deepening reform and improving institutional mechanisms across all domains, providing the structural support necessary to advance Chinese modernization" (Xi, 2024). The core of further deepening reform lies in transforming the economic system, with a critical task being the establishment of a high-standard socialist market economy system. To achieve this, we must strengthen the foundational institutions for market economy, ensuring fair competition. Property rights, as the essence of ownership, serve as the bedrock of both the market economy's functioning and its institutional framework. Clearly defined and effectively protected property rights are essential for upholding fairness, stabilizing social expectations, and boosting the motivation of market entities for innovation and entrepreneurship. A well-functioning market economy depends on the seamless alignment of ownership, possession, control, and usage rights with the right to income. This alignment creates incentives for market entities to actively engage in economic activities.

Another critical pillar of the foundational institutions for market economy is the market access system, which plays a key role in integrating an efficient market with an enabling government. Building an open, transparent, standardized, and well-regulated market access system—one that ensures fair competition, clear accountability, and strong oversight—is essential for fostering a world-class business environment that is market-driven, law-based, and globally competitive. A well-designed system fully mobilizes market participants, stimulates market vitality, and strengthens economic momentum. Fair competition is the cornerstone of the market economy. A sound fair competition system is essential for maximizing resource allocation efficiency and optimizing economic returns, ensuring that businesses

中国知网 https://www.cnki.net

compete on a level playing field. Likewise, the social credit system serves as a fundamental pillar for the healthy, standardized, efficient, and orderly functioning of the market economy. It is a crucial mechanism for cultivating high-quality market participants and establishing a credit-based regulatory framework. By reducing institutional transaction costs and mitigating market risks, it enhances economic stability and resilience.

Third, we must improve the foundational institutions for market economy to gain the strategic initiative in fierce international competition. The world today is undergoing unprecedented changes, with global competition—especially among major powers—reaching intense levels. On the surface, this competition appears to be a race in products, services, technological innovations, and talent. However, beneath this lies a deeper contest over comprehensive systems, including political, economic, cultural, social, and ecological systems. Within the economic domain, the foundational institutions for market economy play a crucial role, directly determining how government and market functions interact. Any nation or region that can better balance this relationship will achieve more efficient resource allocation, particularly in innovation. It will also attract the world's most scarce and valuable production factors—especially those driving innovation—securing a commanding position in market competition. For China to gain the strategic initiative in this intense global rivalry, we must further deepen reforms, refining various systems across the board, with a particular focus on strengthening the foundational institutions for market economy. By enhancing institutional effectiveness, we can drive high-quality development, and through high-quality development, we can bolster China's overall national strength and secure a competitive edge in the global arena.

4. Key Approaches to Strengthening the Foundational Systems of the Market Economy

After decades of exploration and development, China has successfully established the foundational institutions for market economy. However, achieving a high-standard socialist market economy system requires further refinement of these systems.

First, we must improve the property rights system. The fundamental principle of improving the property rights system is to ensure equal legal protection for all forms of ownership while upholding the principles of equal rights, equal opportunities, and equal rules. This principle is enshrined in Article 13 of China's Constitution, which states: "*The lawful private property of citizens shall be inviolable. The state protects citizens' rights to private property and inheritance in accordance with the law*." Similarly, Article 207 of the *Civil Code of the People's Republic of China* reinforces this principle: "*The property rights of the state, collectives, individuals, and other rights holders shall be equally protected by law, and no organization or individual may infringe upon them*." The ultimate goal of refining the property rights system is to establish a modern framework characterized by clear ownership, well-defined rights and responsibilities, strong legal protections, and efficient transfer mechanisms.

Additionally, the transfer of property rights remains inefficient and faces institutional obstacles. Given the diverse ownership and characteristics of different assets, it is essential to develop tailored property rights frameworks. For state-owned capital, efforts should focus on refining the management system for operational state-owned assets, prioritizing capital oversight, and accelerating the transformation of regulatory functions and supervisory approaches. Violations of property rights and legal interests across all forms of ownership should be subject to consistent liability and punishment. Moreover, the punitive compensation system should be strengthened. Unjustified restrictions on the non-public sector must be abolished and hidden barriers removed to ensure a level playing field. The property

中国知网 https://www.cnki.net

rights system for natural resources must also be improved to enhance protection and management mechanisms, enabling sustainable resource use and a balanced approach to environmental conservation and economic development.

In rural areas, the basic management system should be strengthened by advancing the "separation of three rights" framework, which distinguishes ownership rights, contract rights, and management rights for contracted farmland. Deepening reforms of the rural collective property rights system, enhancing property rights protections, and implementing the policy to extend the second round of rural land contracts for an additional 30 years pilot program upon expiration are critical steps. Intellectual property rights (IPR)—which grant creators exclusive rights over their intellectual achievements for a defined period—must be safeguarded through a highly efficient and integrated IPR management system. This requires streamlining legislation and regulation in key areas, enforcing high-standard intellectual property protections, and accelerating the establishment of a comprehensive IPR protection system.

Second, we must improve the market access system. Additional challenges include information asymmetry, excessively high or vaguely defined entry standards, and cases where businesses are granted market access but face operational restrictions. To address these issues, China must implement a "national unified list" management model, dynamically updating the negative list for market access and ensuring full transparency to the public. Market entry restrictions should be broadly eased while still maintaining strict oversight, ensuring that businesses can not only enter the market but also operate effectively. Overcoming the excessive dominance of state-owned capital in finance, transportation, telecommunications, and public utilities is crucial, alongside deepening market-oriented reforms in social services and lowering barriers for private sector participation in these industries.

Further reforms are needed in the registered capital subscription system, including legally compliant and timely capital subscriptions, mandatory disclosure of actual paid-in capital, stronger legal obligations for genuine contributions, and stricter accountability for false disclosures or non-compliance. Additionally, China must accelerate the development of regulatory frameworks that align with new productive forces, providing institutional support for emerging industries and innovation-driven sectors. This includes optimizing market access policies for new business models, accelerating entry regulations for industries such as green energy, and expanding digital product market access. Finally, the enterprise exit system needs enhancement. A unified and standardized market exit process should be established, alongside reforms to simplify business deregistration, strengthen the corporate bankruptcy framework, and explore the introduction of a personal bankruptcy system to ensure an orderly and efficient market exit mechanism.

Third, we must strengthen the fair competition system. To enhance the fair competition system, deepening reforms in monopolistic industries is crucial, particularly by advancing market-oriented restructuring of competitive segments in key sectors such as energy, railways, telecommunications, and public utilities. This requires reinforcing the legal framework for anti-monopoly enforcement, tightening the binding constraints of the fair competition review system, and refining institutional rules to curb monopolies and unfair practices.

Fully implementing the fair competition review system, strengthening its enforcement, and enacting relevant regulations will help dismantle both explicit and hidden barriers to fair competition. Establishing a robust third-party review and evaluation mechanism is also essential to ensure independent oversight. Moreover, regulatory enforcement must be enhanced and refined by creating a cross-regional mechanism for case referrals, enforcement assistance, and coordinated action in anti-monopoly and anti-unfair

中国知网 https://www.cnki.net

competition investigations. A coordinated framework that aligns competition policies with broader economic policies is needed to foster a stable, open, transparent, and predictable market environment. Institutional openness in competition rules should also be advanced, with improvements in cross-border data governance, personal data protection, and digital economy regulations. Strengthening fair competition governance in the digital economy requires the establishment of a competitive review and evaluation system for internet platform rules and algorithms, ensuring a fair and well-regulated digital market. Finally, upgrading the market information disclosure and trade secret protection system is essential to safeguarding fair competition and ensuring a level playing field.

Fourth, we must enhance the regulatory framework of social credit. To address these issues, a credit-based regulatory approach should be refined, and a comprehensive, full-cycle credit oversight system should be established. It is essential to continuously improve laws, regulations, and institutional structures to advance the legal and standardized development of the social credit system. Efforts should be made to enhance credit information sharing and lawful application, expand public access to credit data in compliance with legal requirements, and fully implement the measures outlined in the national basic directory of public credit and the national basic list of penalties for untrustworthy behavior. Additionally, the government should strengthen and standardize mechanisms for joint incentives that reward trustworthiness and coordinated penalties that deter dishonesty. It is also recommended to foster internationally competitive credit rating agencies to enhance China's credit service industry. Furthermore, it is necessary to expand the credit commitment and notification commitment systems, with a focus on strengthening credit development in areas closely tied to public welfare. CE

References:

Academic Affairs Department of the Party School of the CPC Central Committee. Selected Important Documents of the Party and the State Since the Third Plenary Session of the 11th CPC Central Committee (Revised Edition)[M]. Party School of the CPC Central Committee Press, 2015.

Aristotle. Politics [M]. Beijing: China Social Sciences Press, 2009.

Compilation of Documents from the 20th National Congress of the Communist Party of China [M]. Beijing: People's Publishing House, 2022.

CPC Central Committee. Decision of the CPC Central Committee on Several Major Issues Concerning Comprehensively Deepening Reforms [N]. People's Daily, 2013-11-16(01).

Decision of the CPC Central Committee on Further Comprehensively Deepening Reforms and Advancing Chinese Modernization [M]. Beijing: People's Publishing House, 2024.

Deng Xiaoping. Selected Works of Deng Xiaoping (Vol. 3) [M]. Beijing: People's Publishing House, 1993.

Jiang Zemin. Accelerate the Pace of Reform, Opening-Up and Modernization and Secure Greater Victory for the Socialist Cause with Chinese Characteristics—Report at the 14th National Congress of the Communist Party of China [M]. Beijing: People's Publishing House, 1992.

Ma S. L. Outline of World History [M]. Shanghai: Shanghai People's Publishing House, 1999.

Mao Zedong. Selected Works of Mao Zedong (Vol. 1) [M]. Beijing: People's Publishing House, 1991.

Mao Zedong. Selected Works of Mao Zedong (Vol. 3) [M]. Beijing: People's Publishing House, 1991.

Marx K., Engels F. Collected Works of Marx and Engels (Vol. 30) [M]. Beijing: People's Publishing House, 1974.

中国知网 https://www.cnki.net

Marx K., Engels F. Selected Works of Marx and Engels (Vol. 1) [M]. Beijing: People's Publishing House, 1995.

Marx K., Engels F. Collected Works of Marx and Engels (Vol. 1) [M]. Beijing: People's Publishing House, 2009.

Marx K., Engels F. Collected Works of Marx and Engels (Vol. 5) [M]. Beijing: People's Publishing House, 2009.

National Bureau of Statistics of China. China Statistical Yearbook 2024 [S]. Beijing: China Statistics Press, 2024.

Party Literature Research Office of the CPC Central Committee. Selected Important Documents Since the 14th National Congress (Part I) [M]. Beijing: Central Party Literature Press, 2011.

Stavrianos L. S. A Global History (Vol. 2) [M]. Beijing: Peking University Press, 2005.

Xi Jinping. Xi Jinping: The Governance of China (Vol. 1) [M]. Beijing: People's Publishing House, 2014.

Xi Jinping. Xi Jinping: The Governance of China (Vol. 3) [M]. Beijing: People's Publishing House, 2020.

Xi Jinping. An Explanatory Statement on the Decision of the Central Committee of the Communist Party of China on Further Comprehensively Deepening Reform and Advancing Chinese Modernization [N]. People's Daily, 2024-07-22.

Xi Jinping. Report at the 20th National Congress of the Communist Party of China [M]. Beijing: People's Publishing House, 2022.

中国知网 https://www.cnki.net