


CCIEE

专题报告

# 社会保障： 体系完善与制度创新

邹东涛 李欣欣 等/著

 **Social Security:**  
*Improvement of the System  
and Institutional Innovation*



社会科学文献出版社  
SOCIAL SCIENCES ACADEMIC PRESS (CHINA)

CCIEE

专题报告

# 社会保障： 体系完善与制度创新

邹东涛 李欣欣 等 / 著



社会科学文献出版社  
SOCIAL SCIENCES ACADEMIC PRESS (CHINA)

图书在版编目 (CIP) 数据

社会保障: 体系完善与制度创新/邹东涛等著. —北京:  
社会科学文献出版社, 2011. 1  
(CCIEE 专题报告)  
ISBN 978 - 7 - 5097 - 2019 - 6

I. ①社… II. ①邹… III. ①社会保障 - 研究 - 中国  
IV. ①D632. 1

中国版本图书馆 CIP 数据核字 (2010) 第 251965 号

· CCIEE 专题报告 ·

社会保障: 体系完善与制度创新

著 者 / 邹东涛 李欣欣 等

出 版 人 / 谢寿光  
总 编 辑 / 邹东涛  
出 版 者 / 社会科学文献出版社  
地 址 / 北京市西城区北三环中路甲 29 号院 3 号楼华龙大厦  
邮政编码 / 100029  
网 址 / <http://www.ssap.com.cn>  
网站支持 / (010) 59367077  
责任部门 / 皮书出版中心 (010) 59367127  
电子信箱 / [pishubu@ssap.cn](mailto:pishubu@ssap.cn)  
项目经理 / 邓泳红  
责任编辑 / 吴 丹  
责任校对 / 白秀红  
责任印制 / 蔡 静 董 然 米 扬

总 经 销 / 社会科学文献出版社发行部  
(010) 59367081 59367089  
经 销 / 各地书店  
读者服务 / 读者服务中心 (010) 59367028  
排 版 / 北京中文天地文化艺术有限公司  
印 刷 / 北京季蜂印刷有限公司

开 本 / 787mm × 1092mm 1/16  
印 张 / 17. 75  
字 数 / 297 千字  
版 次 / 2011 年 1 月第 1 版  
印 次 / 2011 年 1 月第 1 次印刷

书 号 / ISBN 978 - 7 - 5097 - 2019 - 6  
定 价 / 49. 00 元

本书如有破损、缺页、装订错误,  
请与本社读者服务中心联系更换



版权所有 翻印必究

## 说 明

本书是 2009 年度中国国际经济交流基金重点研究项目《加快完善社会保障体系研究》的最终成果，立项于 2009 年 9 月初。课题指导滕文生、戴相龙、刘克崧。课题组长邹东涛；副组长李欣欣。课题在中国国际经济交流中心领导的直接关怀下，在滕文生、戴相龙、刘克崧认真负责的指导下顺利进行。日常工作由中国国际经济交流中心学术研究部主任王宪磊负责。刘向东、王天龙、景春梅全过程参与了课题论证和上传下达工作。研究成果各部分初稿的执笔人分别是：分报告之一，李连芬；分报告之二、之三，孙守纪；分报告之四，胡继晔、韩爱新；分报告之五，陆进；分报告之六，俞弘强；分报告之七，丁小丽；总报告，李欣欣、邹东涛、郑秉文。李连芬翻译了英文内容提要。全稿最后由邹东涛统定。杜婧担任课题组秘书。

## 中文摘要

本课题成果由导言、总报告、分报告和结论四部分构成。课题主要内容包括两个方面：一是构建社会保障体系评价指标，二是构建覆盖我国城乡居民的社会保障体系。在构建评价指标方面，本课题首先设置了制度结构、制度目标、制度改革和法律构建四个总指标，然后再逐一细化每个总指标，这样构成完整的社会保障评价指标体系。在构建覆盖我国城乡居民的社会保障体系方面，本课题分别从社会保险、社会救助和社会福利三个角度研究我国社会保障体系，分别分析现状、总结成绩、归纳不足，并提出政策建议。

在构建社会保障体系评价指标时，注重指标设计的通用性和适用性。通用性强调和世界标准接轨，努力做到能够反映世界社会保障体系发展的客观现实和未来趋势，以便成为国际交流的平台，能被世界大多数国家所认可。适用性强调结合中国国情，在设计评价指标时，努力做到能够反映中国社会保障体系建设的成就和不足、难点和热点，提出覆盖城乡居民社会保障体系的政策措施。

在构建覆盖我国城乡居民社会保障体系时，分别从社会保险、社会救助和社会福利三个方面进行研究和探索。在每一个方面，都遵循追溯历史、总结成绩、归纳不足、提出政策建议的思路展开。在追溯历史时，强调制度发展的连续性，厘清社保制度的发展脉络；在总结成绩和归纳不足时，强调客观性，注重总结有利于长期制度建设的经验，注重归纳能够反映改革难点和热点的不足；在提出政策建议时，强调针对性，注重可操作性。

### • 社会保障体系的制度结构

社会保障体系的制度结构，可以从两个角度进行分类：第一类是横向制度结构，即社会保障项目；第二类是纵向制度结构，即社会保障支柱。就横向结构而言，以社会保障资金筹集和费用分担责任的不同可以将社会保障制度模式划分为

四种类型：福利国家模式、社会保险模式、强制储蓄模式和国家保险模式。瑞典是福利国家的典型，其福利制度的改革实践和经验为中国完善社会保障制度提供了很好的启示。就纵向结构而言，社会保障制度由多个支柱组成。1994年，世界银行提出了“三支柱”模式；2005年，世界银行又提出了“五支柱”模式，“五支柱”模式是对“三支柱”模式的丰富与完善。美国多支柱养老保险模式的有益经验值得我们借鉴。

我国社会保障起步较晚。目前，我国基本形成了与社会主义市场经济相适应的社会保障制度。我国现有的社会保障制度与现代西方国家的社会保障制度既有相同点，也存在一定差异。总体而言，我国社会保障制度改革步伐仍相当滞后。世界银行提出的养老金多支柱模式对我国社会保障制度产生了巨大的影响。近年来，我国构建了“三支柱”的养老保险制度，其建立对我国提高制度效率和促进公平、保障社会平稳运行与防范老年贫穷等方面发挥了一定作用，但是养老保险制度仍不完善，改革迫在眉睫。我国具有实施“五支柱”养老金模式的必要性和可行性，因此，我国有必要按照世界银行“五支柱”的标准，积极构建符合我国国情的“五支柱”养老金制度。

#### ● 社会保障体系的制度目标

社会保障体系的制度目标可以分为首要目标和附属目标。首要目标主要包括四个指标：一是充足性，即社会保障制度应该为老年人提供充足的收入保障，包括绝对水平和相对水平，绝对水平是指防止老年贫困，相对水平是指实现一定的收入替代；二是可负担性，即社会保障负担要保持合理的范围内，缴费率不能过高；三是可持续性，即长期内社会保障计划在财务上能够保持平衡，不需要突然增加缴费或者降低待遇，也不需要大规模的财政转移；四是稳健性，即社会保障计划能够应对外部因素的冲击，诸如经济、人口和政治风险。附属目标是指社会保障制度能够促进经济发展，具体途径有两个：一是通过减少负面影响来实现，诸如减轻养老金制度对劳动力和宏观经济的扭曲效应；二是通过增加正面影响来实现，诸如增加国民储蓄和促进金融市场发展。

上述指标对分析中国基本养老保险的制度目标具有重要指导意义。在充足性方面，我国基本养老保险的平均替代率逐年下降，目前大约为48%，作为第一支柱，该替代率水平尚可接受，但应该大力建设多层次的养老保障制度。在可负担性方面，我国基本养老保险的缴费率偏高，企业职工缴费负担较重，不利于扩

大社保覆盖面，不利于提高企业竞争力。在可持续性方面，从制度结构、制度参数以及财政支出的角度分析，我国城镇基本养老保险制度存在诸多不利于保持可持续性的因素，特别是每年大量财政补贴和高额基金结余并存，效率损失严重。在稳健性方面，我国人口老龄化来势凶猛，具有来得早、来得快、持续长的三大特征，挤压了我国社会保障制度改革的政策空间，对我国社会保障制度的财务可持续性造成一定压力，对我国经济增长的质量提出了更高要求。在促进经济发展方面，我国社会保障制度初步适应了社会主义市场经济体制，逐步适应了外部宏观经济形势的变化。我国社会保障制度改革服务于社会经济体制改革的总体目标，对我国的社会经济发展和经济体制改革作出了重大贡献。

#### • 社会保障体系的制度改革

世界各国正在开展的社会保障体系改革主要有六种模式：小改的参数式改革、大改的完全市场化改革、中改的名义账户制改革、早改的公共统筹积累制改革、多改的多支柱改革以及统改的整合碎片化制度改革。这六种模式并不是绝对互斥的。一个国家在选定了一个改革模式为主的同时，也可以融合其他多个模式予以配合。因此，社会保障体系改革模式之间的相互关系为政策选择提供了广阔空间。根据国际社保制度改革的经验，各国成功的改革政策组合可以概括为抢占先机型、配套改革型和拾遗补阙型，分别以约旦、瑞典和智利为典型代表。

自从1993年中共中央十四届三中全会确定我国养老保险实行统账结合的制度模式以来，我国社会保障制度改革不断深入。我国社会保障制度改革具有自身特色，但是如果按照上述六种改革模式划分，我国社保制度改革属于参数式改革，同时还开展了公共统筹积累制改革、多支柱改革，并且进行了整合碎片化制度改革试点。在参数式改革方面，虽然我国社会保障制度改革取得了重大成绩，但是仍任重道远，在改革理念、改革策略、各项制度之间的衔接等方面还需完善。在公共统筹积累制改革方面，虽然我国公共统筹积累制改革初见成效，但是全国社会保障基金在资金来源、投资管理、治理结构、信息披露等方面还有待进一步完善。在多支柱改革方面，虽然多层次的社会保障制度已经初步建立，但是各个层次之间仍缺乏有机的联系。在整合碎片化制度改革方面，我国整合碎片化制度试点改革刚刚启动，还需要全盘统筹规划、积极行动，早日建立全国统一的社会保障制度。

### ● 社会保障体系的法律构建

发达国家如英国、德国、美国社会保障立法模式具有典型性。英国的贝弗里奇报告确立了完善社会保障制度的基本原则，将英国推向了“从摇篮到坟墓”的世界福利国家之巅。德国是大陆法系国家社会保障法制建设的典范，主要包括社会救助、社会保险、社会福利和社会优抚。美国1935年《社会保障法》为美国社会保障制度奠定了基础，是世界上第一个对社会保障进行全面系统规范的法律，建立了体现按效力等级立法的“一法统驭多法”模式。这三个国家的社会保障立法都值得我国借鉴。

改革开放以来，中国初步奠定了与社会主义市场经济相适应的社会保障制度的基本框架，但现阶段立法发展相对滞后。最重要的是缺乏先进的社会保障立法理念，更多地强调了经济效率，而忽视了社会公平。长期的城乡二元分割结构，导致区域经济发展不平衡，难以形成统一的经济基础，致使我国社会保障立法相对滞后。实践中，新老制度并存，各种险种相关规定缺乏衔接。其结果是社保体系结构残缺，“碎片化”严重。社会保障的法律实施机制和监督机制薄弱，相应的法律责任制度需要进一步加强。

立法先行是各国社会保障制度建立的成功经验，是社会保障制度定型、稳定的客观标志。从1994年第八届全国人民代表大会将《社会保险法》列入立法计划，到2007年11月全国人大常委会的首次审议，再到2010年10月全国人大常委会的四审通过，标志着我国的社会保险制度建设正式进入法制化的轨道。社会保障制度法制化的过程就是社会保障制度不断完善的过程。在未来的立法理念上，应当把保护公民的社会保障权、实现社会公平作为我国社会保障立法的主要理念，构建完善的社会保障法律体系。在加强社会保障立法的同时，必须着力解决社会保障法与其他法律如劳动法、行政法和刑法的协调问题。

### ● 社会保障体系中的社会保险

社会保险制度是完善社会主义市场经济体制、构建社会主义和谐社会和全面建设小康社会的重要支柱性制度。

改革开放以来，我国社会保险取得了巨大成就，主要体现在：以制度建设为基础，推动了企业改革和经济体制改革；以扩大范围为目标，各项社会保险覆盖面不断得到拓展；以解决历史遗留问题为契机，维护了社会稳定；以社会化管理为目标，减轻了企事业单位负担；以提高监管水平为举措，加强了社会保险基金



管理。但在新形势下,随着经济社会不断发展,也出现了一些制约和影响社会保险制度健康持续发展的问题,主要包括:受人口、就业、政策因素制约,社会保险覆盖面小;社会保险水平不高,统筹程度低、征缴保费难、监管服务弱;社会保险制度欠缺,有效性不高、公平性不足、持续性不强。

我国社会保险制度建设要与中国国情相符合,与经济发展水平相一致,与市场机制相配套,与法律法规相衔接。其发展应遵循四个原则,即体制完善、制度科学、机制优化、法制健全。具体来说,一要通过立法实现应保尽保,加强一些社会保险的强制作用,建立政府目标责任制,加快扩大社会保险覆盖面;二要建立激励机制,扩大资金来源,提高统筹层次,依法强化征缴,加强社会保险基金征缴工作;三要以基本养老保险、失业保险为重点,发挥社会保险促进就业的作用,引导和鼓励劳动者积极就业;四要通过政策调整尽量缩小各种不合理的差距,适当提高各种社会保险待遇水平,适当降低缴费率以扩大缴纳面,完善社会保险基金的多渠道筹资机制,有效落实政府、单位、个人投入责任;五要协调好基本养老保险和基本医疗保险等相关社会保险制度的整合;六要坚持多管齐下,改革社会保险监督管理体制机制,加强社会保障管理服务能力建设;七要健全完善社会保险政策法规,加快政策法规建设步伐,认真进行分类规范,更好地发挥社会保险的政策功能,并从制度上防止出现有关问题。

#### • 社会保障体系中的社会救助

社会救助是我国社会保障体系的三大基础之一。加快社会救助体系建设,对保障困难群众生活、促进社会公平正义、维护社会和谐稳定具有重要现实意义。

改革开放以来,党和政府积极开展社会救助工作,不断完善社会救助制度,取得了显著成就。目前,我国社会救助体系框架初步形成,覆盖人数逐步增多,整体水平持续提高,投入力度不断加大。但也要看到,社会救助事业面临着一些新形势,比如造成贫困的社会风险不断增多,社会救助的需求类型日趋多样,贫困问题的负面影响愈加显现。同时,社会救助体系自身建设还存在着一些突出问题,比如社会救助保障标准仍然偏低,城乡区域差距偏大,覆盖范围依然有限,激励作用有待增强。当前制约社会救助体系建设的因素不仅来自运转机制和思想观念,而且也来自资金投入和管理服务。

加快社会救助体系建设,要确立以常规社会救助为主体、专项社会救助和临时社会救助为补充的基本框架,以及覆盖广泛、标准适度、待遇公平、衔接充

分、激励有效、运转规范的基本原则，制定和完善战略发展目标。同时，要拓展社会救助工作视野和范畴，从外部环境着手积极为社会救助体系建设创造良好条件。在具体政策层面，一要健全救助标准制定调整机制、救助对象核定机制及脱困激励机制，完善社会救助体系建设的制度设计；二要强化政府财政投入责任，提高社会力量参与程度，增强社会救助体系建设的资金保障；三要推进社会救助立法工作，加大违法违纪现象查处，加快社会救助体系建设的法制进程；四要理顺社会救助管理体制，提升社会救助经办水平，充实社会救助体系建设的体制基础。

### ● 社会保障体系中的社会福利

新中国成立后，我国社会福利事业不断进步，为国家的稳定和发展作出了历史性贡献。改革开放以来，我国社会福利事业进入了大发展时期，各项福利事业都取得了新的成就。尤其是进入 21 世纪之后，我国社会福利事业逐步由“补缺型”向“适度普惠型”迈进，保障对象覆盖面不断扩大，服务内容日益丰富，居家、社区、机构相衔接的福利服务体系基本形成，广大老年人、残疾人、困境儿童等弱势群体越来越多地分享着改革开放和社会福利发展的成果。

同时，随着社会的发展变迁、人民生活水平的提高及人口老龄化程度的不断加深，我国社会福利事业发展也面临着新的形势和问题，主要包括：社会福利需求总量不断增大，社会福利需求内容日趋多样，社会福利供给不足、发展失衡、方式落后、社会化程度低、立法滞后、专业化水平低等问题日益凸显。

为加快我国社会福利制度建设，应进一步完善我国社会福利制度设计，明确战略目标，加强制度整合，健全社会支持网络；进一步健全社会福利事业管理体制机制，重视部门协调，强化机构管理，加快福利事业信息化建设步伐；进一步加强社会福利法制建设，不断完善老年人、儿童和残疾人福利法律法规；进一步强化社会福利保障机制建设，建立资金保障机制，完善社会参与保障机制，优化人力资源保障机制，努力使社会福利早日惠及城乡全体居民。

总之，本课题的创新之处在于借鉴世界银行等国际组织的最新研究成果，结合中国实际情况，构建一套既能够反映我国社会保障事业发展的实际情况，又能够促进国际交流，同时还能够指导我国社会保障制度改革的评价指标体系。与此同时，本课题运用法学和经济学的相关理论，将政策建议和研究成果转化为立法建议，旨在通过立法巩固社会保障制度。

## Abstract

The subject is composed of introduction, general report, seven points and conclusion. The subject mainly includes two aspects: The first aspect is building social security system evaluation indicators and the second is building a social security system covering urban and rural residents. In building evaluation indicators, this subject firstly builds four general indicators including institutional structure, institutional goal, institutional reform and legal construction, and then splits each general indicator one by one, thus building a complete social security system evaluation indicator system. In building a social security system covering China's urban and rural residents, this subject studies China's social security system from the aspects of analysis of actuality, summarization of achievements and weaknesses, and makes policy proposals.

In building social security system evaluation indicators, we should focus on versatility and applicability of indicators designed. Versatility stresses on integration with the world standards in an effort to reflect the objective reality and future trends of the world social security system so as to become an international communication platform and be recognized by most countries of the world. Applicability stresses on combination with China's national conditions and strive to reflect achievements and weaknesses, difficult and hot issues in construction of China's social security system when designing the evaluation indicators and put forward policies and measures for a social security system covering urban and rural residents.

In building a social security system covering urban and rural residents, we should make a research and exploration in the aspects of social insurance, social relief and social welfare. In each respect, we should develop in the track from recalling the history,

summing up the achievements and weaknesses and putting forward policy proposals. In tracing the history, it stresses on the continuity of institutional development and clarification of the development context of the social security system; in summing up the achievements and weaknesses, it stresses on objectivity, summarization of experience in favor of long-term institutional construction and weaknesses that can reflect difficulties and hot issues in the reform; in making policy recommendations, we should emphasize on the orientation and operability.

### ● Institutional Structure of the Social Security System

The institutional structure of the social security system can be classified in two angles: The first is the horizontal structure of the system, i. e. social security programs; the second is the vertical structure of the system, i. e. social security pillars. On the horizontal structure, the social security system models, from the perspective of raising social security funds and the different cost-sharing responsibilities, can be divided into four types: welfare state model, social insurance model, mandatory saving model and national insurance model. Sweden is a typical welfare state whose welfare system reform and experience provides a good inspiration for China to improve its social security system. On the vertical structure, the social security system is composed of a number of pillars. In 1994, the World Bank proposed the three-pillar model. In 2005, the World Bank proposed the five-pillar model, which was an enrichment and improvement of the three-pillar model. Furthermore, the U. S. multi-pillar pension model is worth learning.

China started relatively late in social security. So far, China has basically built a social security system that is compatible with the socialist market economy. China's current social security system has some differences as well as commons with the social security systems of modern Western countries. Overall, China's social security system reform is still very backward. The World Bank's multi-pillar pension system model has made a huge impact to China's social security system. In recent years, China has built a three-pillar pension system. This system has played a role in improving institutional efficiency, promoting equity, safeguarding the smooth running of the community and preventing poverty in old age, but it is still not perfect and in urgent need of reform.

China has the necessity and feasibility for implementing the five-pillar pension model. Therefore, it is necessary for China to actively build a five-pillar pension system in line with our national conditions and in accordance with the standard of the World Bank's five-pillar model.

### • Goals of the Social Security System

The goals of the social security system can be divided into primary goal and subsidiary goal. The primary goal mainly includes four indicators: The first is sufficiency, i. e. the social security system should provide adequate income guarantee for the elderly including the absolute level and relative level. The absolute level means preventing old age poverty and the relative level means achieving a certain degree of income replacement. The second is affordability, i. e. the burden of social security should be kept in a reasonable range and the contribution rate can not be too high. The third is sustainability, i. e. the suddenly security plan can keep financial balance in the long term with no need of suddenly increase of contribution or reduction of treatment or large-scale financial transfer. The fourth is stability, i. e. the social security scheme can cope with the impact of external factors such as economic, demographic and political risks. The subsidiary goal refers to that the social security system can promote economic development with two specific channels. One is achieved by reducing the negative effects such as reducing the distortion of the pension system to the labor market and the macro economy; the other is achieved by increasing the positive effects such as increasing national savings and promoting financial market development.

The indicators are of important guiding significance for analyzing China's basic old-age insurance system objectives. In adequacy, China's basic old-age insurance average replacement rate has decreased with the year with currently about 48%. As the first pillar, this rate is acceptable but we should vigorously build a multi-level old-age security system. In affordability, China's basic old-age insurance contribution rate is high and corporate staff has a pretty heavy burden in paying, which impairs expansion of social security and improvement of competitiveness of enterprises. In sustainability, from the perspectives of institutional structure, institutional parameters and fiscal expenditure, there are a good many of factors impairing sustainability of the basic old-age insurance

system in urban areas, particularly the efficiency losses are serious for considerable fiscal subsidies and huge fund balance. In stability, China's population aging is ferocious with the features of coming soon, coming quickly and sustaining long time, which squeeze the policy space for reforming the social security system, imposing certain pressure on financial sustainability of the social security system and having a higher requirement for economic growth quality. In promoting economic development, China's social security system has initially adapted itself to the socialist market economy and changes of the external macroeconomic situation; China's social security system reform serves the overall objective of social and economic reform and has made significant contributions to it.

### • Reform of the Social Security System

The ongoing social security system reforms in the world are mainly divided into six modes: small-sized parametric reform, large-sized complete market-oriented reform, medium-sized nominal account system reform, public financing accumulation, the multi-pillar reform, and the integration system reform. The six models are not absolutely exclusive with each other. While selecting a reform model as the major model, one country can integrate other models to support it. Therefore, the relationship between social security system reform models provides a wide space for policy options. According to the international social security system reform experience, successful reform policy sets of many countries can be summarized as priority type, supporting reform type and complementary type with Jordan, Sweden and Chile as typical representatives respectively.

Since 1993 when it was determined at the Third Plenary Session of the 14th CPC Central Committee to implement the institutional model of combining contributions from various sources in society with personal retirement accounts for the old-age insurance system, China's social security system reform has advanced continuously. China's social security system reform has its own features. But to classify it according to the aforementioned six reform models, China's social security system reform is sort of parametric reform; furthermore, China's social security system also experiences the public financing accumulation reform, multi-pillar reform and pilot reform of the

integration system. In the parametric reform, China's social security system reform has made considerable achievements but there is still something to desire in reform concept, reform strategy and convergence of systems. In public financing accumulation system reform, China has made some achievements in it but still needs to improve the national social security funds in source of funds, investment management, governance structure and information disclosure. In the multi-pillar reform, the multi-layer social security system has been initially established but it is lack of organic links between layers. In integration reform, China's pilot reform in it has just started and needs overall planning, positive action to build a unified national social security system as soon as possible.

### • Legal Construction of the Social Security System

Developed countries such as the United Kingdom, Germany and the United States have a typical pattern of social security legislation. The Beveridge Report of the United Kingdom established a sound social security system's basic principles, which have pushed the United Kingdom into a "cradle to grave" welfare state, the top of the world. Germany is an example of civil law countries in legal construction. Its social security system consists of social relief, social insurance, social welfare and social special care. The United States' Social Security Act of 1935 laid the foundation for its social security system. It is the world's first comprehensive act on social security norms and establishes the model of one law governing several laws reflecting the legislation by rating of effectiveness. These three countries' social security legislation is worth our reference.

Since the reform and opening-up, China has initially established a basic framework of social security law that is compatible with the socialist market economy but its slow development of state legislation at this stage is still serious. The first is lack of a mature concept of social security legislation with more emphasis on economic efficiency at the expense of social equity. The long-term urban-rural split structure and the unbalanced economic development between regions make troubles for forming a unified economic foundation, which has resulted in no unified core social security law with extensive application. In practice, there is the coexistence of old and new systems and the lack of convergence of various insurance related provisions. As a result, the social security system is of an incomplete architecture with serious "fragmentation". The social

security system is with weak law enforcement mechanism and oversight mechanism and no matched with a legal liability system.

Legislation first is the successful experience of many countries in establishment of a social security system and also an objective sign of a fixed and stable social security system. On October 2010, Social Insurance Law was passed, marking the construction of China's social security system formally entered the track of legislation. The legislation process of the social security system is actually the process of continuous improvement of the social security system. The major concept for China's social security legislation should be to protect the citizens' right to social security and realize social equity so as to establish a sound social security legal system. In strengthening the social security legislation, we must make efforts to solve the compatibility of the social security law with other laws such as the labor law, the administrative law and the criminal law.

### • Social Insurance in the Social Security System

The social insurance system is an important pillar system to improve the socialist market economy, build a socialist harmonious society and a moderately prosperous society.

Since reform and opening up, China has made great achievements in social insurance, mainly including: The institutional construction is used as the basis to promote the enterprise reform and economic restructuring; Expanding the coverage is taken as the goal to expand the social insurance coverage continually; Solving the problems left by history is well utilized to maintain social stability; the goal of social management has reduced the burden on enterprises and institutions; the Initiative to improve the regulatory level has strengthened the social insurance fund management. But under the new circumstances, with the continuous development of economy and society, there are also some issues that constrain and impair the sound and sustainable development of the social insurance system. These issues include: The social insurance coverage is small for the population, employment and policy constraints; the social insurance level is not high with low overall operation, difficult collection of insurance premium and weak regulation; the social insurance system is incomplete with low effectiveness, lack of equity and weak sustainability.



China's social insurance system construction should consider China's national conditions, keep pace with the economic development, match with the market mechanism and link with the laws and regulations. Its development should follow four principles, namely, sophisticated system, scientific system, optimized mechanism and sound legal system. Specifically, we should make a legislation to make some compulsory social insurance, establish a government goal responsibility system and accelerate expansion of social insurance coverage; second, we must set up incentives to expand the sources of funds, improve the unified arrangement level, strengthen collection of insurance premium in accordance with the law and intensify collection of social insurance funds; Third, take basic old-age insurance and unemployment insurance as the key items to play the role of social insurance in promoting employment, guiding and encouraging laborers to actively seek employment; Fourth, the policy adjustment should be made to minimize irrational gaps, improve the payment of various social insurance items, reduce the contribution rate appropriately to expand the payment coverage, improve the multi-channel financing mechanism for social insurance funds and effectively implement the contribution responsibilities of the government, the employer and the employee. Fifth, coordinate the integration of the basic old-age insurance, basic medical insurance with other relevant social insurance systems; Sixth, we should insist on a multi-pronged reform on the social insurance regulation system and mechanism and strengthen social security management services; Seventh, we must improve and perfect the social insurance policies and regulations and speed up the pace of establishing them, carry out a classification standard, play a better policy role of the social insurance and prevent problems institutionally.

#### • Social Assistance in the Social Security System

Social assistance is one of the three pillars of China's social security system. Accelerated construction of the social assistance system has an important practical significance for guaranteeing the life of poor people, promoting social equity and justice, and maintaining social harmony and stability.

Since the reform and opening - up, the Party and the government have carried out social assistance work actively and improved the social assistance system continuously,