

Study on ecological rule of law at the grass-roots level

Li Xue

Dalian Ocean University, Dalian, Liaoning, 116023, China
1360981805@qq.com

Keywords: Ecological governance, grassroots rule of law, grassroots government, lessons learnt

Abstract: The promotion of ecological governance is an indispensable part of the construction of the rule of law in the new era, and it has an important impact on the path of realising the socialist rule of law. In the process of promoting the comprehensive rule of law, the rule of law system in China is also constantly improving. Accompanied by the accelerating process of urbanisation and industrialisation, the ecological rule of law problems faced by grassroots society are also increasing. Under the construction of China's rule of law institutional mechanism, the shortcomings that exist in different aspects, systems and subjects of grassroots ecology have put forward new thinking on how to strengthen the construction of grassroots ecological rule of law in the new era. In promoting the rule of law at the grass-roots level, we should seize the main aspects of grass-roots ecological rule of law construction, improve the institutional construction in related fields, and strengthen the supervision of the duties of related subjects, so as to promote the grass-roots ecological rule of law track and facilitate the achievement of a stable and sustainable and healthy development of the grass-roots ecological environment.

1. Introduction

With the changing times and the rapid development of urbanization, problems in the construction of grassroots ecological rule of law are constantly emerging. The concept of green development has become a basic national policy in China. From the perspective of human and environment, China attaches more importance to the harmonious development of human and nature, and the goal of establishing a resource-saving and environmentally friendly society is more clear. Promoting the construction of grassroots ecological civilization and the rule of law is a key measure to address climate change issues. In recent years, climate change has been a key factor affecting the construction of grassroots ecological civilization. Due to high carbon dioxide emissions, air quality has seriously declined, biodiversity has decreased, vegetation damage has increased, and the relationship between humans and natural ecosystems has become tense. So it is necessary to strengthen the construction of ecological rule of law at the grassroots level, improve the work level of the rule of law team, and shift the focus of work to the construction of ecological civilization at the grassroots level. In order to address the issue of climate change, developed countries have joined the ranks of carbon reduction, and China, as a developing country, has also participated in exploring mechanisms for "carbon reduction" and "emission reduction". Effective resource conservation and improvement of the ecological environment can to some extent promote social and economic development, and the

transformation and upgrading of grassroots social ecological governance has become an important strategic measure of the country. Therefore, exploring low-carbon, ecological, and green cities has become a consensus among countries around the world. At present, the development of low-carbon, ecological, and green cities is the expectation of the grassroots public, and it has also been implemented in the construction of ecological rule of law at the grassroots level.

2. Origins of the grass-roots ecological rule of law system

2.1 Presentation of grassroots ecological governance

On the basis of promoting the modernisation of the national governance system and governance capacity, the rule of law in China has become more scientific, institutionalised, systematic and democratic. Grass-roots ecological governance needs to be supported by sound laws and regulations, a wide range of pluralistic subjects, and the participation of a strong national governing force. China's urban and rural grassroots organisations mainly include townships and communities. On the one hand, in grassroots governance under the rule of law, the Organic Law of Urban Residents' Committees and the Organic Law of Villagers' Committees have also advanced the construction of grassroots mass self-governance systems. Urban Residents' Committees and Villagers' Committees are two basic forms of grass-roots mass self-governance organisations, which are grass-roots mass self-governance organisations for self-management, self-education and self-service by residents or villagers[1]. On the other hand, they are groups that engage in certain economic, cultural, scientific and health endeavours, etc., with non-profit, public welfare and regional autonomy activities, within the areas governed by cities, streets and rural areas. In promoting the construction of grass-roots ecological rule of law, China has also gone through several stages: first, under the traditional social system, grass-roots ecological governance is mostly from the national political perspective, mostly highlighting the centralised system of central and local power. Secondly, people's original feudal thoughts and habits have brought about a great crisis to grassroots ecological governance, and the division of governance forces has made grassroots social and ecological governance extremely difficult. Thirdly, after the reform and opening up, due to the complexity of social contradictions, the unbalanced and insufficient development of the economic base and superstructure, the productive forces and the relations of production, the rule of law in China has been constantly improved and innovated, and the theme of "democracy" has become the first entry point for grassroots ecological rule of law construction. With the promulgation and implementation of the Constitution and the Electoral Law, the people's democratisation has taken on a richer form, changing the outdated traditional model of ecological governance at the political level, and implementing equality, inclusiveness and fairness into grassroots ecological governance through the organic integration of the forces of all parties.

2.2 Development of grassroots ecological rule of law in China

The progress of grass-roots rule of law construction at the grass-roots level in China in the new era has been fully acknowledged and widely noted. In the process of promoting grass-roots ecological rule of law construction, the Communist Party of China and State organs and groups have continued to explore new ways of building the rule of law, innovating new modes of rule of law governance, and deepening the system of constraints and supervision of the operation of rights in order to continuously consolidate grass-roots ecological rule of law construction in the new era. In the traditional social structure, the grassroots ecological rule of law construction focuses on the political power. Nowadays, the grassroots ecological rule of law has broadened its field of application, especially in the construction of the countryside has been widely implemented. Because rural grass-

roots governance is the top level of the rule of law, it should be based on the four dimensions of people, land, affairs and power, and its main purpose is to provide rule of law protection for grassroots social governance. The so-called "ecological prosperity is the prosperity of the country", in order to better promote the construction of socialist modernisation, the 19th CPC National Congress put forward the development strategy of rural revitalisation, and the CPC Central Committee and the State Council also promulgated relevant programmatic documents, such as the "Opinions on the Implementation of the Strategy of Rural Revitalisation", the "Rural Revitalisation Promotion Law", and the "National Rural Revitalisation Strategic Plan" (2018-2022) etc, to respond to the concept of grassroots ecological civilisation and rule of law, thus promoting rural revitalisation[2]. In the process of promoting the construction of grassroots ecological environment rule of law, the Party Central Committee is also constantly exploring in practice, insisting on the guidance of Marxist theory, combining the current development of China's national conditions, and at the same time inheriting the excellent cultural traditions of the Chinese nation and absorbing the beneficial experience of Western countries, to continuously promote the construction of ecological civilisation rule of law system.

3. Ideas and Paths for Building the Ecological Rule of Law at the Grassroots Level in China

3.1 Planning framework for ecological rule of law at the grass-roots level

3.1.1 Establishment of a sound system of ecological laws and regulations at the grass-roots level

A complete system of legal norms is highly relevant and systematic for promoting ecological governance at the grass-roots level, and provides a guarantee for realising the vision of ecological rule of law. China's Civil Code has also made specific provisions on environmental infringement, and the current promulgation of the Environmental Protection Law, Air Pollution Prevention and Control Law and Water Pollution Prevention and Control Law and other representative of the provisions of the single law is too general, lack of operability, resulting in ecological safeguard system to implement the difficulties[3]. Compared with the legislation of some developed countries such as the European Union, China's ecological legislation is relatively immature, although the legal and regulatory system is relatively rigorous and strict, but it is not in line with the current level of socio-economic development, resulting in frequent environmental violations. From the perspective of the development trend of China's ecological environment, in accordance with the authority and procedures of the existing legislation, without contradicting the Constitution, China should formulate and amend the law on ecological environmental protection. In the scientific legislation, strict law enforcement, fair justice, all people abide by the law under the guidance of the sixteen-word policy to strengthen the ecological key areas of legislation, according to the new normal state of the reality of each place and the future development of the need to give priority to the water pollution, atmospheric pollution, carbon emissions, such as the field of the inclusion of the law in the framework of the structure of the law, to protect the ecological sustainable and healthy development. Zhengzhou central city as a model, its adherence to the concept of green development, while the government and relevant departments focus on the field of water pollution, on the one hand, the strict implementation of China's Environmental Protection Law and Water Pollution Prevention and Control Law, on the other hand, the place has also promoted the legislative work, introduced the Henan Province Water Project Action Plan (Water Pollution Work Programme) , in the field of water pollution prevention and control of the city has been a significant result[4]. In addition, the legislation should also draw on foreign experience to clarify the key position of the ecological rule of law, but also to coordinate the relationship with other sectoral laws to ensure that the construction of the ecological rule of law is carried out smoothly.

3.1.2 Institutionalisation of ecological rule of law at the grass-roots level

Ecological institutionalisation is a necessary way to promote the construction of ecological rule of law. In order to promote the construction of sustainable cities, China is also constantly optimising and upgrading the layout of the urban ecological structure, from a single to a whole, from focusing on the environment, the economy and other right to life issues to focusing on social issues, and multi-level and multi-object joint action[5]. Ecological damage compensation system is the most widely used in foreign countries, there are two modes of public law and private law, public law through the expansion of the tort rules to relieve ecological damage, including the expansion of the liability rules of "restitution", the creation of civil rights "private law environmental rights". On the contrary, private law fills environmental damages by establishing a regulatory liability system with the function of filling damages[6]. The Civil Code, environmental tort liability, pointed out that environmental pollution and ecological damage liability needs to clarify the main body of responsibility, the scope of responsibility, the form of liability. Ecological environment remediation is a thorny problem, the national judicial organs should clarify the judicial confirmation review standards, refine the review elements, to ensure that the fact of ecological damage, ecological restoration of the legality of the review. In addition, public participation is the centre of the rule of law construction in developed countries, China needs to learn from the experience of developed countries, and constantly improve the ecological education system, public education and publicity to enhance the public's ecological concept of the rule of law. It also needs to expand democratic participation mechanisms in the construction of ecological rule of law, and establishes positive interactions between multiple subjects.

3.1.3 Strengthening the fulfilment of government responsibilities

The Government plays an important role in the process of ruling the country in accordance with the law in a comprehensive manner, and the rule of law government is the focus of the construction of the socialist endeavour with Chinese characteristics. The Government is generated by the people and is accountable to the people, and its purpose is to serve the people. "Power must have responsibility and the use of power is subject to supervision", and the government must administer in accordance with the law. Party building is the basic driving force of grass-roots rule of law governance, the government should use the rule of law thinking from the county governance reform, the formation of "block and block" administrative power network to achieve grass-roots ecological governance of the rule of law. In terms of ecological supervision, the government should enforce the law impartially, strictly follow the ecological administrative law enforcement procedures, adhere to the principle of unity of authority and responsibility, improve the ecological accountability and supervision mechanism, and promote the construction of ecological rule of law. At the same time, it should change its own functions and build a grassroots service-oriented government. The Chinese government should strengthen the rectification of ecological violations, save judicial costs, constantly standardize the government 's administrative licensing procedures, implement the administrative licensing supervision system, build a rule-of-law government that is convenient and beneficial to the people, and improve the efficiency of government affairs[7].

3.2 Positioning and Role of the Government in Building the Ecological Rule of Law at the Grassroots Level

Reasonable and effective grass-roots ecological rule of law government functions are in line with the new era of socialist rule of law modernisation road system construction with Chinese characteristics, the implementation of the new era of ecological civilisation strategic policy initiatives, and the promotion of grass-roots social ecological, green development, and the realization of the

harmony between human beings and nature. Government functions are as follows: First, the government has a macro-control, promote economic development functions. Due to the imbalance of price leverage under the epidemic, which makes the people's demands cannot be met, optimising the business environment is an important issue that the government needs to solve. The government adjusts the industrial structure, improves the corresponding infrastructure construction, follows the law of market development, and develops low-carbon green circular economy. Secondly, maintaining ecological development functions. The low-carbon development model has attracted a high degree of attention from the international community. Ecological environmental protection is a necessary condition for grassroots social construction. Resource scarcity, environmental pollution, and high carbon emissions determine that the government needs to take important responsibility in solving the process of grassroots ecological environment management. By establishing a sound ecological management mechanism and stepping up enforcement of environmental regulations, the government can realise the unity of economic and ecological benefits.

4. Conclusions

The promotion of grassroots ecological rule of law construction is a long-term project that is gradual and not achieved overnight. It needs to be combined with China's national conditions and the current development laws of grassroots ecological rule of law, and deeply explored through practice. The governance of grassroots ecological environment in the new era cannot be separated from the regulatory guidance of the rule of law, the fulfillment of responsibilities of grassroots governments, and the participation of every social public. In the process of promoting the rule of law, grassroots ecological environment improvement is a breakthrough to achieve a strong country under the rule of law, which is of great significance for achieving green, sustainable, and ecological development in urban and rural areas. Therefore, we need to follow the guidance of the times, continuously optimize the existing laws, regulations, and institutional systems in the field of ecological environment. At the same time, we need to promote collaborative legislation among various departments, improve the rule of law construction in the ecological field, optimize the ecological layout at the grassroots level, increase the efforts of legal publicity, increase the public's awareness of environmental protection, and create favorable conditions for promoting the construction of ecological civilization. We should strive to achieve a high-quality and efficient ecological rule of law, and lay a realistic foundation for promoting the modernization of the national governance system and governance capacity.

References

- [1] Cheng Chuansheng. *Constitutional Law (Second Edition)* [M]. Beijing: Higher Education Press, 2020: 167.
- [2] Chen Baifeng. Grassroots Rule of Law Framework and Dimension for Promoting Rural Revitalisation [J]. *Legal Science (Journal of Northwest University of Politics and Law)*, 2022, 40(01):3-17.
- [3] Jiang Yingguo. Dilemmas and paths of rural ecological civilisation rule of law construction[J]. *Agricultural Economy*, 2021(08): 10-12.
- [4] Ye Guanglin. Ecological environment problems and countermeasures in the construction of Zhengzhou national centre city [J]. *Journal of Party School of CPC Zhengzhou Municipal Committee*, 2019(02):79-85.
- [5] Wang Mou, Kang Wenmei, Liu Junyan, Lu Xianhong, Zhang Ying, Lu Dongshen. Sustainable urban construction in China: experience, problems and prospects [J]. *Journal of Reading River*, 2018, 10(06):25-35+134.
- [6] Gong Gu. Comparison of Models of Ecological Damage Compensation System and China's Choice—Investigation on the Interpretation Basis and Direction of Ecological Damage Compensation Provisions of the Civil Code [J]. *Comparative Law Research*, 2022(02):161-176.
- [7] Chen Maoxuan, Guan Yanping. Grassroots practice of legal government construction in western ethnic areas—The example of "rule of law demonstration town" project in Chuanzhousi Town, Songpan, Sichuan [J]. *Journal of Ethnicity*, 2020, 11(04):32-42+125-126.