

# Rule of law in Rural Ecological Conservation

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**Abstract:** Rural ecological conservation is the cornerstone of consolidating the rural revitalization strategy and the inevitable choice for rule of law in China. At present, the realistic situation of the rural ecological conservation in China shows the following characteristics: lack of legal awareness among the mass, defective imperfect legal norm system, and incomplete supervision mechanism of rule of law. Therefore, implementation of the rule of law is the means to realize rural ecological conservation, that is, to lead ecological conservation initiatives with the concept of scientific rule by law, to regulate the initiatives with an impeccable rule of law system, and to ensure the initiatives with a strict supervision system of the rule of law.

## 1. Introduction

Since ancient times, China is a country that relies largely on agriculture, and the rural area has laid the foundation of traditional Chinese society. Rural ecological revitalization is an important field with the background of people vigorously implementing the rural revitalization strategy in China. The rural ecological conservation is not only a social form in which people and nature live in harmony, but also embodies people's beautiful vision of rural life, which is the millennium plan for the sustainable development of the Chinese nation.

In recent years, through the perfect system design and practical efforts, rural ecological conservation in China has achieved remarkable achievements. However, rural ecological conservation in the new era still faces enormous challenges. For these challenges we require the power of rule of law, enhance the eco-environmental concept of the villagers, improve the rural humanities environment rationally, to build a beautiful and ecologically livable village.

## 2. Rule of law neglected: a realistic situation of rural ecological conservation

In the process of reform and opening up and rural urbanization, the rural economy has developed with a certain degree, and the social structure has undergone tremendous changes. However, due to the existence of the urban-rural dual structure for a long time, China's ecological conservation has paid more attention to the city, and neglected the rural areas, which resulted in the situation of imbalance between urban and rural development and uncoordinated rural development in the development of society. The rural problem has become a problem that difficult to avoid and resolve in the process of China's social modernization. Since the party and the state proposed the rural revitalization strategy in 2018, the grassroots government has carried out exploration and reform in many aspects, such as social governance mode, public service concept, and scientific and technological development guidance in the rural areas, but as the saying goes "Rome wasn't built in a day", it is still necessary to take seriously the difficulties and challenges in rural ecological conservation.

### 2.1 Subjects lack of the rule of law concept in the rural ecological conservation

The concept of the rule of law, which is the soul of the rule of law, highlights the spiritual core and value pursuit of the rule of law. Subjects lack of the rule of law concept in rural ecological

conservation is the main obstacle occurred in rural ecological conservation. [1] Grassroots governments, enterprises, and villagers, as important parts for the rural area to achieve good governance and ecological conservation, enjoy certain rights, and bear the inescapable responsibility. Any subjects lack of the rule of law concept will affect the process and effectiveness of rural ecological conservation.

First of all, some grassroots governments lack of the concept of ecological conservation and rule of law. The grassroots government is the national agent and policy implementer, and plays a leading role in rural ecological conservation. Since the 19th National Congress of the Communist Party of China, under the influence of top-down theoretical study and policy transmission mechanism, the rule of law concept of China's grassroots government has been improved and enhanced in varying degrees. However, there are still some grassroots government leaders who are influenced by the official position and distorted political achievements, adhere to the traditional "rule of man" concept, are blinded by immediate economic interests, and only pay attention to rural economic growth, but neglect the rural ecological environment management. What is more serious is that, owing to some grassroots governments lack of the rule of law concept, the illegal treatment of the cases involving polluting enterprises by the rule of power, and even the phenomenon of "collusion of government and enterprises" occurred, which has seriously hindered the governance of the rural ecological environment.

Second, the concept of the ecological conservation and rule of law in some enterprises is lacking. On the one hand, enterprises are the mainstay of national economy development. On the other hand, they are also direct resource consumers and environmental polluters. They should bear the social responsibility of innovative production methods, resource conservation and environmental protection. At present, there are still some enterprises that lack the concept of ecological conservation and rule of law, lack of social responsibility, and deflect the cost of environmental resources to the society. This phenomenon is particularly serious in rural areas, which is related to the weak enforcement of environmental protection laws and regulations in rural areas. Many township and village enterprises only pay attention to the immediate economic benefits, exceed the standards for sewage disposal or secretly discharge.

Finally, some of the rural people's ecological conservation rule of law concept is missing. The villagers are the main mass forces and important practical objects in rural ecological conservation. Their ecological and environmental protection concepts are weak, and the awareness of democracy and the rule of law is not strong, which has seriously affected the process and effectiveness of ecological conservation. Due to the lack of strong law enforcement in rural areas, most villagers lack understanding of the content of ecological conservation legal norms, ecological environmental protection rights, obligations and responsibilities. When their environmental legal interests are violated, the logic of illegal rights protection is full of their minds and difficult to take legal means for rights protection.

## **2.2 Imperfect rural ecological conservation legal norm system**

The imperfect system of legal norms is a fundamental obstacle to rural ecological conservation. As can be seen from the current situation, the quantity, quality, implementation scope and rules of existing ecological conservation laws, and the corresponding systems, mechanisms cannot meet the needs of the current rural ecological conservation, which makes the rural ecological conservation lack of complete legal basis and detailed institutional norms, and restricts the scientific and normative ecological conservation.

First, the legislation is lacking. China's "Environmental Protection Law" regulates the rural ecological environment mainly covers agricultural environmental protection, rural environment comprehensive improvement and resource protection, etc., but it is not involved in rural education, science and technology, finance, etc., and grassroots governments often directly adopt standards of urban governance applies in these areas. Most of the rural environmental protection regulations are local regulations, which have low legal hierarchy and obvious limitations. For the important fields of agricultural environmental pollution control such as agricultural point source and non-point source

pollution prevention, soil pollution prevention, rural garbage disposal, odor pollution prevention, environmental monitoring and environmental damage compensation, which have a long-term lack of special laws or administrative regulations.

Second, lack of systematizations. Based on the intricacies and gradual progress of China's ecological conservation, some laws on ecological conservation are exploratory and contingency. The "stopgap measures" legal system of ecological conservation lacks systematic planning and crosswise connection. In rural area, this specific field of China social structure, there is a lack of high-level specialized ecological conservation laws. The compatibility between some regulations is poor, and there is a lack of detailed and operational implementation rules. All these are not conducive to the development and promotion of rural ecological conservation.

### **2.3 Incomplete rule of law supervision mechanism of rural ecological conservation**

The incompleteness of the rule of law supervision mechanism in rural ecological conservation is an institutional obstacle that restricts rural ecological conservation. At the end of 2018, the State Council issued the "Guiding Opinions on Deepening the Comprehensive Administrative Law Enforcement Reform of Ecological Environment Protection", and planned the administrative and law enforcement systems and responsibilities of the ecological environment at the county and township levels, and clearly stated that an environmental protection comprehensive administrative law enforcement system with clear responsibilities, definite boundaries, standardized behaviors, and powerful guarantee, efficiency and full of energy should be basically established in 2020. This will help strengthen the grassroots government's ecological protection law enforcement function and improve its law enforcement efficiency. However, it is still necessary to fill in the shortcomings of the incomplete supervision mechanism of the rule of law.

First, the accountability mechanism of the grassroots government is incomplete. The "Environmental Protection Law" stipulates on a macro level that "local people's governments at various levels should be responsible for the environmental quality of their administrative regions." However, there is a lack of detailed regulations on the division of ecological responsibilities, assessment methods, and accountability mechanisms of grassroots government departments. In recent years, the relevant regulations on the accountability mechanism are basically from the policy level. The provincial, municipal, and county governments have mostly introduced the list of environmental responsibility and the system of accountability and accountability, but the environmental responsibility, accountability mechanism of the township government and the villagers' self-governing organizations are still lacking.

Second, the public monitoring mechanism is lacking. The principle of procedural legitimacy is one of the basic principles of administrative law, of which core is public participation. China's "Environmental Protection Law" and "Environmental Impact Assessment Law" give citizens the right to participate in and supervise environmental protection. However, there is no specific provision on the scope, means, procedures, and effectiveness of public participation in environmental protection supervision, which makes it difficult for the public to participate in supervision or supervision, and has spurred the enthusiasm of public supervision. This is particularly evident in rural areas.

## **3. Implementing the Rule of law: The Path Choice of Rural Ecological conservation**

### **3.1 Leading rural ecological conservation with the concept of scientific rule of law**

The concept of the rule of law is the value orientation of ecological conservation. Only by advancing with the times and firmly establishing the concept of the rule of law in rural ecological conservation can we promote ecological conservation scientifically and efficiently. Specifically speaking, it is necessary to effectively guide the concept of the rule of law of grassroots governments, enterprises, and townships, and let the concept of the rule of law become its inner consciousness and action guide.

The primary task is to strengthen the rule of law of grassroots governments and leading cadres and enhance their ability to think in the rule of law. Give full play to the leading role of grass-roots governments in formulating environmental protection policies, planning environmental governance, managing environmental protection information, providing financing for governance, and innovating governance mechanisms, and then integrating the concept of ecological conservation rule of law into daily official activities, while at the same time renew and enrich the ecological rule of law knowledge system with the attitude of "Make things better day by day", and enhance its legal administration and scientific law enforcement.[2]

The key task is to improve the corporate philosophy of ecological conservation and the rule of law. Guide and standardize the production and management behavior of enterprises with the concept of ecological conservation and rule of law, stimulate their participation in ecological conservation, and promote the upgrading of their technological innovation and industrial structure. Through the market competition mechanism based on the law of value and the system design based on economic incentives, make the ecology environment consciously leads the enterprise to transform and upgrade.

The important task is to promote the concept of the rule of law for the ecological conservation of the villagers. Rural legal propaganda is an important way to cultivate the concept of rule of law for the villagers and enhance their legal quality. Through wide-ranging and multi-form publicity activities, enhance the understanding of the villagers on the ecological conservation rule of law system, clarify their environmental protection rights, obligations and responsibilities, and promote their formation of conscious and law-abiding, handling affairs according to law, finding problems and solving problems. The rule of law thinking and concept, let the villagers consciously promote rural ecological conservation.

### **3.2 Standardizing rural ecological conservation with impeccable legal system**

The law is the important measure for ruling the country, and a fine law system is the precondition of good governance. China's ecological conservation has been written into the Constitution as a basic national policy, which laid a constitutional foundation for the country's ecological conservation. The ecological conservation rule of law system includes the organic integration of ecological protection, pollution prevention, rational use and protection of natural resources, development and utilization of land and space, climate change and energy, and related laws. To perfect this law system, we should start from two aspects: achieve coordination and coherence between laws, and fill the related legal gaps.

Ecological conservation involves many fields, each of which has its own uniqueness, and the relevant laws need to be coordinated and coherent. On the basis of the existing laws, study and demonstrate the framework of the ecological conservation rule of law system, sort out, review and evaluate existing laws comprehensively, eliminate existing contradictions and conflicts between individual regulations and local regulations, and make them coordinated. Based on the differences between the geographical and natural endowments between rural areas in China, local regulations should be tailored to local conditions and highlight location advantages. At the same time, we must improve the institutional linkages in all areas of ecological conservation, and pay attention to the conflicts and connections between legal sources and customs.

Ecological conservation legislation should also fill the related legal gap, expand its coverage, and improve the quality of legislation. From the macro level of national legislation, the first measure is to flexibly use the market mechanism and accelerate the system implementation of emissions trading, water rights trading, and rural land property rights reform through the economic incentives, thereby improving the property rights system of natural resources and the corresponding laws. [3]The second measure is to sum up the successful experience of rural ecological conservation, find the experience which is universal and can be promoted and take them as national policy, and then promote and innovate these experiences; From the micro level of local practice, the basic work of rural ecological conservation lies in local legislation. All localities should take the overall requirements of national ecological conservation as a guidance, proceed from local practice, highlight the characteristics of

local legislation, and address the issues that are not specified by national legislation but are prominent and typical in local.

### **3.3 Guarantee rural ecological conservation with strict supervision system of the rule of law**

The strict system of supervision of the rule of law is an important guarantee for promoting rural ecological conservation, and it is also a calibrator for rural ecological conservation in an established direction. The key to promoting the formation of a strict system of rule of law supervision is to enhance the full coverage and effectiveness of public authority oversight in related fields.

A sound accountability mechanism is an important part of the rigorous system of supervision over the rule of law. The core of the rule of law lies in fairness and justice. The sound accountability mechanism is intended to be fair and accountable. For the grassroots government that is dominant in rural civilization and ecological conservation, improved the accountability mechanism means that, first, the performance appraisal mechanism for ecological conservation is introduced and implemented, and the proportion of ecological performance appraisal is increased in the performance appraisal of cadres. The indicators are included in the government performance appraisal to promote the development of eco-economy and achieve sustainable development.[4] Second, strengthen the accountability system, vigorously promote the audit of ecological resources and environment, and make the audit results of ecological resources and rectification as important basis for the assessment, appointment, removal, reward and punishment of leading cadres.

The role of public participation and social supervision is the key link in the strict system of supervision of the rule of law. Undoubtedly, the external impetus for the government and enterprises to change their practices lies in effective public participation and social supervision. Therefore, it is necessary to "provide a public participation system based on public rights in the form of legislation, and establish a public participation system for environmental legislation, law enforcement, and supervision. [5]" and clarify the scope, pathways, procedures, and methods of public participation. Public participation channels guarantee citizens' right to know, participate and relief. At the same time, it guides the social and environmental welfare public organizations in rural areas, organizes scattered rural people with the same ecological identity and the common rule of law, and promotes the standardization of the process of ecological conservation. In addition, improving the environmental public interest litigation system is also very important.

## **4. Conclusion**

Rural ecological conservation is a systematic and complex project, which needs to be carried out step by step and strived for a long time. Deepen the rule of law concept of rural ecological conservation, build a complete system of ecological conservation rule of law, build a strict system of rule of law supervision, and achieve scientific legislation, strict law enforcement, judicial justice, law-abiding and effective supervision. Only in this way can we continue to deepen promote rural ecological conservation, and build a beautiful countryside with clear water and green mountains, poetic atmosphere and warmth and abundance.

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## **References**

- [1] HE S, The dilemma and way out of rural eco-civilization and rule of law construction, *Journal of Zhongzhou*, vol.8, pp. 69, 2018.
- [2] ZHANG X S, Rural grass-roots governance structure: Current situation, problems and prospects, *Seeker*, vol 7, pp4-11, 2016.

- [3] YU F W, Research on the issues related to Rural Vitalization Strategy Based on Health Perspective, *Chongqing Social Sciences*, vol.4, pp6-15, 2018.
- [4] ZHANG X D, Reflection on the development destiny of Chinese rural civilization from the perspective of ecological civilization, *Administration Reform*, vol.3, pp27-34, 2013.
- [5] YE S M, Legislative bottleneck and breakthrough of environmental rule of law, *Academics*, vol.7, pp.36, 2014.