

Research on Legal Problems of Protection of Red Cultural Relics

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Abstract

Red cultural relics are precious cultural heritage in China. The protection of red cultural relics is of great significance to China's cultural construction. However, at the present stage, there are many problems in the legal protection of red cultural relics in China, such as the imperfect law system, the insufficient law enforcement and the weak legal awareness. Aiming at these problems, this paper puts forward the corresponding countermeasures and suggestions to provide some references for the relative researchers.

Keywords: red cultural relics, red cultural heritage, legal protection

1. Concept of red cultural relics

Red cultural relic is the new democratic revolution heritage of Chinese Communist Party, which includes the monuments, sites and revolutionary commemorative building. Our country has rich red cultural relic resources. Although all aspects of a long time to do a lot of protection, but compared to the vast red heritage resources, there is a lot of work to do. Including the red cultural relics related to major historical events, revolutionary movements or famous revolutionary leaders, heroes and has important significance and important commemorative significance or historical celebrity former residence, education value China Communist Party after the founding of new Chinese to previously established conference site, historical monuments, relics of the cemetery, and literature entity. The red cultural relics do not include the revolutionary spirit and the intangible cultural heritage. Therefore, the scope of the red cultural heritage range than red relic is much broader, including not only the red cultural relics entities and cultural entities carrying the revolutionary spirit, are such as the

revolutionary literature and revolutionary songs, stories, crafts, revolutionary slogans, revolutionary rituals and customs of the intangible cultural heritage or oral. In addition, the red cultural relics shall be determined by the State Administration of cultural relics in accordance with the appropriate standards and methods identified by the national legal protection. Red cultural relics are the solidification of the history and culture of the time and space.

2. Significance of protection of red cultural relics

Red cultural relic is an important carrier of red culture, with rich historical connotation and humanistic value. Effectively protect these red cultural relics, and build it into a revolutionary tradition and patriotism education base. By this carrier can often on people especially teenagers in history, the growth of knowledge, inspire morale, Tao Ye sentiment, improve the cultivation of learning, improve the whole nation's ideological and moral qualities, enhance patriotism of our people, and to promote the worldwide Chinese unity, innovation, continuous improvement, to achieve the reunification of the both sides will play a positive role. Red cultural heritage is the resource base for the development of red tourism. China Red relic concentrated area mostly located in remote revolutionary area. The old revolutionary base areas due to historical reasons and the constraints of location factors, economic development is relatively slow, red tourism is an important growth point to promote the economic development of the old life. Although the old revolutionary base is located in remote, but the development of red tourism has the advantage. Red cultural relics are playing an active role in promoting the socialist modernization of our country. Red represents the historical process of revolutionary cultural relics, is the combination of many revolutionary pioneer spirit, it will be the indomitable revolutionary spirit, continue to inspire many of our socialist builders, to promote the socialist modernization construction forward, so as to create a more splendid material and spiritual civilization. In addition, in the course of the revolutionary history, the tactics of the war and the art of war will also play a guiding role in the socialist modernization drive.

3. Current situation of legal protection of red cultural relics

From the national point of view, the protection of red cultural heritage of a single law and regulations are clearly lacking, at present, the legal basis for the protection of red cultural heritage. The Chinese government fails to make specific provisions on the protection of red cultural heritage. Obviously, these laws and local regulations on the protection of red culture is not specific. The protection of red cultural heritage is lack of effective legal support. Red cultural relics protection law enforcement is not enough, but also the status of legal protection of red cultural relics. The competent authority is unclear, the responsibility is unknown. Due to the lack of red cultural heritage protection legislation, the formation of the management of the dead, some departments do not belong to the

scope of their own affairs within the scope of management. This makes some illegal or improper behavior is not timely and effective treatment. Because the red cultural relics project can obtain economic benefits through the red tourism, so the formation of a number of departments for the right to management, bull management, each department acting on its own phenomenon; some red cultural relics due to remoteness, difficult exploitation, heritage protection appears blank area, a lot of valuable heritage was destroyed, abandoned, almost deserted. In the red cultural heritage protection, has not yet set up a strict tracking system. We do not give the relevant administrative personnel should not be given a blow. We are not enough to trace the administrative staff misconduct and punishment. The lack of public awareness of the place of red cultural relics, public participation is an important condition for the protection of red cultural relics, but now most of the red cultural relics of the public generally indifferent attitude. They believe that the act of protection should be the responsibility of the government departments have nothing to do with their own, lack of awareness of ownership. At the same time, developers and operators lack of awareness of legal protection. Developers and operators in the process of red tourism in order to maximize profits, it is necessary to attract as many tourists as well as the construction and a large number of tourist facilities. This will cause irreversible damage to red artifacts.

4. Current situation of legal protection of red cultural relics

4.1 Establish legal system

Red cultural relics in our country are rich and widely distributed. Each region has its own characteristics in terms of the number, distribution and type of heritage, and reflects the diversity of regional culture. According to the different types and different natural and social environment of the red cultural relics, the various regions of the heritage management methods should be different, the relationship between the whole culture highlighting regional characteristics and heritage and area. These should be reflected in the local protection laws and regulations. At present, the provincial and local regulations, is formulated in accordance with the relevant national heritage regulations, the object is not from the provisions of the national heritage act and category, obviously insufficient reflected in the regional red cultural relics special aspects. The region has a wide range of independent legislative rights. At the same time, the current administrative regulations laws and regulations related to red cultural relic's management regions as soon as possible. While strengthening local legislation, the state should speed up special legislation. The provisions of this kind of law can be discussed from the characteristics of the type of red cultural relics, management priorities and difficulties, and puts forward specific management measures and the corresponding rewards and punishments measures to make the law more targeted and operable. In view of the different ways of the local legislation to manage the administrative divisions of the heritage, the special legislation is mainly reflected in the historical characteristics of the red relics and the development of respect for the context. It is necessary to take into account the differences in economic

and cultural environment in different regions, more importantly, to give full recognition of the comprehensive value of various types of red cultural relics. The law should be clearly defined for the protection of content, the protection of operating procedures, the protection of institutional functions, the protection of funding sources, etc., so as to effectively protect the requirements of red cultural relics.

4.2 Strengthen law enforcement

If there is a strong red heritage law enforcement supervision team, even with the red cultural relics protection law again perfect in vain so to make the red cultural relics preservation law can be implemented smoothly, the red relics are not violated, strengthen the construction of the red cultural heritage law enforcement supervision team is very necessary. According to the actual situation of different regions, different ways to carry out the construction of red cultural heritage law enforcement supervision team. The central government can guide and supervise the protection of red cultural relics in China through the establishment of the Ministry of cultural relic's protection. In local areas can be combined with local police, law enforcement agencies, such as the establishment of comprehensive law enforcement agencies to improve the law enforcement. Additional market supervision team or to report illegal phone calls around the red cultural relics market, strengthen the red cultural relic's market inspection work, enhance the vigilance of people on the red relic's crime, so that criminals can take advantage of the machine. At present, the red cultural heritage administration law enforcement departments according to the existing law, changing the concept of law enforcement, management system and mechanism innovation, the establishment of the administrative law enforcement supervision system, the implementation of the judicial protection system of administrative law enforcement responsibility system, perfect and effective, the establishment of red cultural heritage protection of the public interest litigation system. At the same time, we can also select the outstanding personnel in the public security criminal investigation team to organize a special red heritage law enforcement team, responsible for the fight against a series of red cultural relics and criminal activities. It can effectively reduce the production and smuggling and other illegal and criminal activities of the red cultural relics.

4.3 Improve legal consciousness

The job of cultural relics protection, not only rely on the competent authorities of business. This requires the power of the whole society. Therefore, it is necessary to enhance the awareness of cultural heritage protection and the legal concept of heritage conservation. Legal protection of cultural relics cannot be separated from the role of the media. Through the dissemination of media functions, it can expand the influence of cultural relic's protection awareness. In addition to news reports, can be produced around the local history of the development of the context, the promotion of major archaeological discoveries and cultural relic's protection of the results of the program. Strengthening publicity and education is

an important way to consolidate and improve the protection of red cultural heritage. To increase the content and provisions of the protection of the red cultural heritage in the law, strengthen the propaganda of the red cultural heritage protection. Through publicity and education, the popularization of laws and regulations related to the red cultural heritage and scientific and technological knowledge. Only in this way, the red cultural heritage can consciously become the will of the villagers and the requirements of the law, the law and the hearts of the people, to consolidate and enhance their protection in the law. The government should actively organize various forces to increase the publicity of the protection of red cultural heritage, prompting people to consciously and actively invest in the protection of red cultural heritage. To make the red cultural heritage protection work more people, make more people aware of the importance of the red cultural heritage and the need for its protection, so that more people can consciously join the red cultural heritage protection team.

5. Conclusion

Red heritage protection is conducive to the construction of socialist advanced culture and local economic development. We can strengthen the legal protection of red cultural relics from the following aspects: the development of a complete law, the full implementation of the law and enhancement of the legal awareness. The legal protection of red cultural relics requires the joint efforts of government agencies and the masses of the people.

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