Research on Low-carbon Environmental Resources Law of China

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Abstract. Low-carbon economy has become an important trend of global development. As a developing country, China's legal system of low-carbon economy is not perfect, and there is a big gap compared with developed countries. Based on the fact that China's low-carbon environmental resources law system is still in the initial stage of formation, the improvement of the system structure will be an extremely complicated and huge project. In a short time, the concept of low-carbon should be covered in all aspects of the legal system, organically integrated at all levels, and meet the scientific, logical and systematic requirements. The author thinks that the low-carbon environmental resources law system consists of three parts, one is the comprehensive adjustment law of environment and natural resources, the other is the natural resources law, and the third is the environmental protection law, and puts forward corresponding legislative suggestions.

Keywords: Low-carbon; Environmental resources; Law system.

1. Introduction

Resources are scarce, and with the increase of population and the development of social economy, this problem will become more prominent. Therefore, how to effectively allocate environmental resources and realize the sustainable development of society, economy and environment is a common basic economic problem faced by all economies [1]. The natural environment is the home on which human beings live. Although social development has spawned many man-made structures, in the final analysis, any human activity is still inseparable from nature. Like other creatures, human beings grow in the natural environment, and the available construction resources are also provided by the natural environment.

To implement the future sustainable development strategy, promote and guarantee the coordinated development of China's economy, society, environment and resources, improve people's living environment and quality of life, and realize the harmony between man and nature, we must further develop the low-carbon environmental resources law [2]. However, there is hardly any other term as vague as "sustainable development", which can be used to mean almost anything people want it to mean.

2. The meaning of the basic idea of low-carbon environmental resources law

Low-carbon environmental resources law system, as a subordinate concept of the legal system, refers to the organic unity formed by the legal norms aiming at controlling greenhouse gas emissions in the current seven legal departments. Based on the fact that China's low-carbon environmental resources law system is still in the initial stage of formation, the improvement of the system structure will be an extremely complicated and huge project. It is necessary to realize the low-carbon concept in all aspects of the legal system in a short time, organically integrate all levels, and meet the scientific, logical and systematic requirements [3-4]. However, the construction of China's low-carbon environmental resources law system has just started. In addition, the low-carbon issue involves all aspects of social life, and it is faced with a time-pressing, arduous and complex situation. Therefore, rational layout and promotion are urgently needed.

The basic idea of low-carbon environmental resources law cannot be separated from the basic idea of environmental resources law, which is the important source of the former, and the former should

be the generalization, concentration, selection, trade-off, refinement and scientific abstraction of the latter. The basic idea of low-carbon environmental resources law refers to the basic viewpoint of this discipline, that is, the basic viewpoint that is often emphasized, preached and expounded in the research and teaching of low-carbon environmental resources law; It is the synthesis and generalization of the basic concepts stipulated by various environmental and resource laws; The basic idea of low-carbon environmental resources law cannot be separated from the basic idea of environmental resources law. Clarify the relationship between the basic concepts of low-carbon environmental resources law and environmental resources law, which is of great significance to further study the basic concepts of low-carbon environmental resources law.

3. The current situation of low-carbon legal system construction in China

3.1 The legal system is not perfect

Promoting low-carbon development is not only the need for China to fulfill its international obligations to deal with climate change, but also the inevitable requirement for China to adjust its economic structure and change its economic development mode. China's consumption field is becoming an important field of greenhouse gas emission, and the construction of low-carbon system should strengthen the greenhouse gas emission control in this field. Only by continuously promoting enterprises to invest in low-carbon infrastructure, low-carbon energy and low-carbon industries can backward high-carbon production capacity be gradually eliminated, and finally the low-carbon adjustment of industrial structure and energy structure can be realized.

Low-carbon economy has become an important trend of global development. As a developing country, China's legal system of low-carbon economy is not perfect, and there is a big gap compared with developed countries. In the provisions of China's constitutional system, there is a lack of guiding legal construction, and there are differences among various rules and regulations, which leads to a certain impact of legal system construction on the development of low-carbon economic system. In this case, the Constitution obviously cannot meet the development needs of low-carbon economy [5]. Therefore, the imperfect legal system will have a direct impact on the development of the overall low-carbon economy.

3.2 Legislative content lags behind

Low-carbon environmental resources law, as a system or rule, is always shaping ideas. It is not uncommon for environmental legislation to choose the concept of sustainable development and deviate from the goal of sustainable development, or the system lags behind or the system design is ahead. In the actual management process, the construction of China's legal system is not perfect, and it has the characteristics of delayed construction. It is mainly due to the rapid upgrading of technology and resources in the process of global economic integration and development, which leads to the fact that the original legal system cannot meet the development needs of low-carbon economy. However, if a pollutant is eliminated or banned from use, its possibility of entering the environment can be reduced to zero forever [6-7].

When the public demands stricter control of the environment, technology should be a tool for sustainable development and a means of resource management. However, after the uncertainty of science, there is a hidden trend -- overemphasizing the origin of environmental problems and neglecting the management of environmental protection. Or the problem now is to focus on finding the reasons and neglect the management.

3.3 The legal system construction lacks operability

The reason why low-carbon economy and low-carbon technology are increasingly concerned by countries all over the world cannot be separated from the fact of global warming. Global climate change is not only an environmental problem. It has begun to affect the survival and development of mankind. In the construction of China's legal system, the obvious lack of operability leads to its

inability to meet the development needs of environmental protection [8]. For example, the construction of laws is mostly principled laws and regulations, which have relatively low binding force on enterprises and lack of judgment standards, resulting in a lack of effectiveness.

The history and practice of the development of low-carbon environmental resources law and environmental resources law show that the lack of correct, scientific and persistent basic concepts of environmental resources law is an important reason for the slow development or no major breakthrough of low-carbon environmental resources law and environmental resources law. In this sense, the basic idea of low-carbon environmental resources law should be related to and a reflection of the purpose, value, research paradigm and research method of low-carbon environmental resources law.

4. Ways to construct low-carbon environmental resources law system

4.1 Clear legislative principles

For the construction of the legislative system of low-carbon economy, it is necessary to clarify the legislative principles and establish legislative standards according to the actual situation. At present, China's legislative system construction is not perfect. Therefore, it is necessary to improve the legal system construction of low-carbon environmental resources on the basis of clarifying the legislative principles in combination with China's specific national conditions. The formation method of legal judgment is shown in Figure 1:

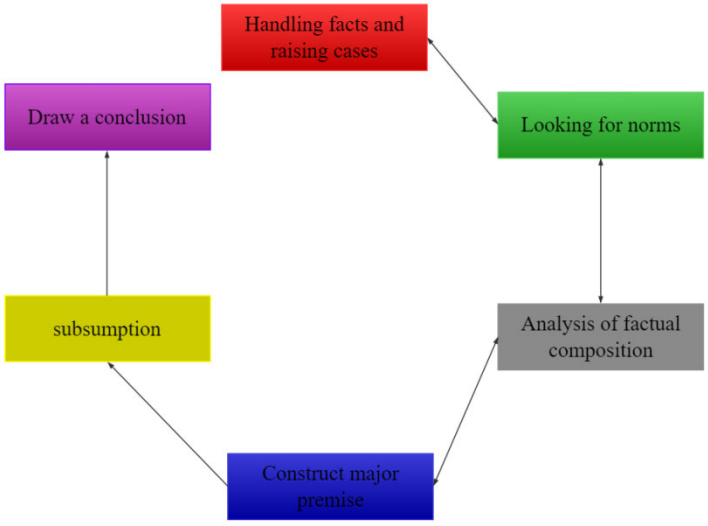

Figure 1. Formation method of legal judgment

With the continuous development of economy and society, the low-carbon economy presents a trend of constant renewal, and the construction of legal system should conform to the development characteristics of low-carbon economy, and establish a legal system that conforms to market development, so that it can better protect China's ecological environment and promote the sustained and stable development of low-carbon economy.

On the macro path of constructing China's low-carbon legal system, we can consider amending the current Air Pollution Prevention and Control Law to add the content of controlling greenhouse gas emissions. Legislation should be promoted from the perspective of sustainable development. As far as breadth is concerned, low-carbon development requires the state and society to cultivate low-carbon culture, and governments at all levels and their constituent departments, enterprises, social organizations and the public to practice the concept of low-carbon. This requires that the vision of low-carbon legislation should not be limited to narrow and single fields such as air pollution prevention and control [9]. Knowledge and practical ability to promote low-carbon development; Enhance the systematization and coordination of the low-carbon legal system, and prevent the

fragmentation of the low-carbon legal system; Establish China's image in the international community as a responsible big country dealing with climate change.

4.2 Establish and improve the mechanism of low-carbon environmental resources law to adjust the relationship between man and nature

Man can adjust the relationship between man and nature, which is the essential difference between man and animals. Animals only make use of the external nature and change the nature simply by their own existence, while man makes the nature serve his own purpose and dominate the nature through his changes. Constantly adjusting the relationship between man and nature plays an important role in the progress of human society and the development of production. We should control the natural forces socially so as to make economic use of them, and build large-scale projects with manpower so as to possess or tame them. Low-carbon environmental resources law mainly studies the mechanism of adjusting the relationship between man and nature through legal means, that is, the legal adjustment mechanism.

Establish a basic legal system and a code of conduct for developing a low-carbon economy. As a social code of conduct formulated and implemented by the state, laws play an important role in promoting the development of low-carbon economy. China should also pay full attention to the legal norms for developing low-carbon economy. Implement support measures for developing low-carbon economy. On the basis of establishing basic laws, a series of practical implementation rules should be gradually issued [10]. Establish the system of energy manager, which requires that energy managers must be equipped in energy conservation work to supervise the implementation of the provisions of the energy conservation law; Establish a leader system for energy-saving products, and constantly revise the standard values according to the technological progress of products.

As a new moral concept, the moral concept of equality reflects the ethical development track from anthropocentrism to eco-centrism, and the expansion of the scope of moral community and right subject, placing the relationship between man and nature under the regulation of ethical principles. Recognize that human beings are an organic part of the natural order of the biosphere, and that human beings can't live and develop without other creatures. At the same time, we should also realize that human beings are not superior to other species, and every entity with "good" quality has the same value attached by heaven. With the increasingly serious environmental problems, it is hoped that environmental education can be popularized, and citizens can cultivate environmental ethics and have the concept of environmental equality.

4.2 Improve the low-carbon legal supervision system

A sound legal supervision system is a necessary link to ensure the implementation of the law. However, China's existing low-carbon policy legal system has not paid enough attention to this link. China's legal supervision system consists of two major systems: state supervision and social supervision, of which state supervision includes administrative supervision, judicial supervision and power supervision. Social supervision includes social organization supervision, public opinion supervision and individual citizen supervision. According to the characteristics of the low-carbon environmental resources law system, it needs to be improved in the following aspects (Figure 2):

First, under the framework of the original legal supervision system, improve the low-carbon knowledge and awareness of supervisors, and add low-carbon examination items in the original supervision work. Second, pay attention to the role of social supervision. This is determined by the marketability, promotion, public welfare and technical characteristics of the low-carbon environmental resources law system. Third, improve the basis of low-carbon legal supervision. The legal system of low-carbon environmental resources, as the basis of low-carbon legal supervision, must define its responsibilities and obligations, which is the basis for supervising the legal regulatory objects to fulfill their responsibilities and obligations. Fourthly, strengthen the supervision of low-carbon administrative normative documents. In the aspect of social supervision, the participation right

and supervision right of social supervision subjects in the process of formulating administrative normative documents are implemented through information disclosure and other systems and means.

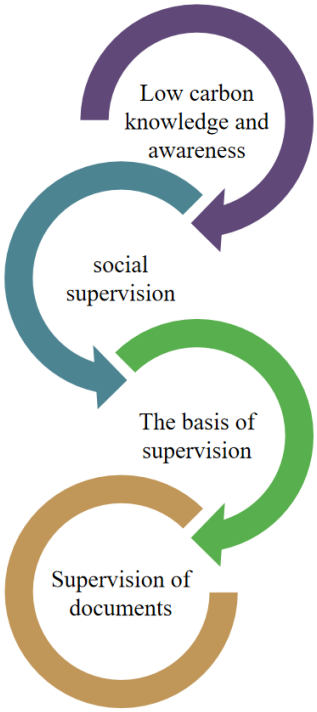

Figure 2. Supervision system

5. Conclusions

The basic idea of low-carbon environmental resources law cannot be separated from the basic idea of environmental resources law. Clarify the relationship between the basic concepts of low-carbon environmental resources law and environmental resources law, which is of great significance to further study the basic concepts of low-carbon environmental resources law. In the process of formulating and implementing the low-carbon environmental resources law, we should strive for the lowest comprehensive cost, the largest comprehensive benefit and the highest comprehensive efficiency on the basis of ensuring basic fairness. The essence of protecting, improving and sustainable utilization of environmental resources, or the purpose of environmental resources work, is to adjust the relationship between man and nature according to the laws of natural ecology and social economy.

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