The Achievements, Problems and Improvements in the Development of the Rule of Law for Rural Environmental Protection

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Abstract With the improvement of social development, more and more people attach great importance to the construction of new rural areas and focus on rural economy and the vital interests of farmers. At this stage, the fundamental reasons for rural environmental problems are the imperfect relevant legal mechanism and shortage of environmental protection awareness among rural residents. Thus, whether the rural environment can be improved has become the key to realizing the new rural construction. This paper mainly illustrates the achievements, problems and improvement of legal construction of rural environment protection, so as to improve the current environmental situation in rural areas.

1. Introduction
Recently, constantly improvement of rural economic level has destroyed local ecological environment. Intensified domestic garbage and industrial sewage discharge has seriously affected the livestock and poultry breeding industry, which hindered the construction of the rural environment to a certain extent. Based on this, the total amount of grain production in rural areas is gradually decreasing, and the health of farmers themselves is threatened, which is not conducive to the stable development of the society. Rural environmental problems have become the main incentive for restricting rural economic construction and affecting the development of new rural construction. The 18th National Congress of the Communist Party of China emphasized that “strengthening the construction of ecological civilization is related to people’s happiness and national development.” Thus, the current priority is to attach importance to the construction of rule of law of environmental protection in rural areas and improve the deficiencies of the above problems, which can promote the sustainable development of rural environmental protection in China.

2. Overview of the Achievements in the Construction of the Rule of Law in Rural Environmental Protection
Through years of unremitting efforts, China has achieved good achievements on the construction of the rule of law in rural environmental protection. For the construction of the rule of law in rural environmental protection, China has successively established many environmental protection laws. The specific construction measures for the rule of law in rural environmental protection are shown in Table 1. It can be found from Table 1 that China has formulated laws and mechanisms for environmental protection in rural areas and applied different governance methods to solve problems related to rural enterprise pollution, water pollution, and livestock and poultry breeding. Chinese government not only establishes laws on rural environmental governance, but also actively builds an ecological countryside. It also supervises the qualifications of relevant staff and auditors. Meanwhile,
the staff’s awareness of rural environmental protection is continuously improved and their management and control capabilities are enhanced, by regularly organizing staff to participate in education and training, which promotes the good implementation of rural environmental protection law \[1\].

| Year | Organization | Title | Description |
|------|--------------|-------|-------------|
| 1973 | Planning Committee | "Report on the National Environmental Protection Conference" | The definition of the rural environment is clear, without comprehensive documentation explaining it |
| 1977 | Ministry of Agriculture | "Minutes of National Forum on Agricultural Environmental Protection" | Explain the rural environmental situation and the development of rural environmental protection work at that time, and propose ways to control rural environmental pollution. |
| 1984 | State Council | "Decision on Environmental Protection Work" | Deeply explaining of the rural environment |
| 1993 | State Council | “Agricultural Law” | From the perspective of legal, the definition of agricultural environmental protection is clarified, and the legal mechanism of rural resources and environmental protection is promulgated. |
| After 2000 | | | According to the actual situation of the rural environment, the State Council has successively adopted many laws and regulations related to rural environmental protection, aiming to protect the ecological environment in rural areas |

In the construction of the rule of law in rural environmental protection, it is important to highlight pollution control according to law, use legal weapons, protect the rural ecological environment and promote the development of various activates in rural areas. In 2019, the surface water quality section of rural surface water increased by 2.8%, and the inferior V section decreased by 2.5%. National sulfur dioxide, nitrogen oxide, chemical oxygen demand, and ammonia nitrogen emissions are shown in Table 2. It can be seen that the construction of environmental protection laws in rural areas has achieved remarkable results, which has further improved the rural ecological environment and been conducive to improving the quality of life of rural residents.

| Material | Sulfur dioxide | Nitrogen oxides | Chemical oxygen demand | Ammonia nitrogen |
|----------|---------------|----------------|-----------------------|-----------------|
| Emissions (%) | 4.4 | 3.5 | 3.2 | 3.3 |

3. Problems Existing in the Legal Construction of Rural Environmental Protection

3.1 Problems of Ideological Guidance

Environmental protection of Chinese government mainly focuses on industrial construction and urban pollution control. The environmental pollution problems at urban areas has been effectively improved, but that at rural areas has been ignored. Rural areas have not been compensated for ecological benefits. Therefore, it can be seen that the rule of law in environmental protection at rural areas is not adequate. As the Chinese Minister of Environmental Protection emphasized, “The city has always been the main
place for environmental protection. At this stage, the problem of the ‘dual structure’ of urban and rural environmental protection has become more and more apparent.” The deputy minister of the Ministry of Environmental Protection also pointed out that “China’s pollution prevention investment is almost entirely applied to the improvement of industrial and urban environments. For rural areas, hundreds of millions of people can’t drink clean water, and hundreds of millions of acres of farmland are polluted infringement. Over 130 million tons of rural household herbage have been randomly piled over the years. The rule of environmental protection is virtually useless. Optimizing the urban environment will take the measures of intercepting pollution and optimizing urban water quality at the cost of neglecting the rural environment, but it will greatly deteriorate the rural water quality. The usage of secondary industry to promote the construction of tertiary industry also pollute the suburbs around the city, although strengthening the urban air quality. The method of domestic waste in landfills has improved the urban ecological outlook, but increase the pollution in the urban-rural fringe zone. The countryside plays an active role in promoting urban construction, but it also exposes problems to the countryside, such as ecological degradation and serious pollution [2].” Chinese Environmental Protection Department established the "Guidelines for the Rural Well-off Environmental Action Plan", which emphasizes that rural environmental protection has developed late and foundation is relatively weak compared with urban environmental protection and industrial pollution control. From this, it can be seen that the ideological guidelines pay attention to the improvement of the urban environment and ignore the construction of rural environmental protection, so that the rural environmental problems are becoming increasingly prominent, which seriously hinders the development of the rural economy.

3.2 Problems of supervision and management
Uncertainty and multiple transformations of the rural environmental protection authorities and their functional positioning have led to the lack of a sound rural environmental protection supervision mechanism. From the early 1970s till the present, there exists changes and development in the rural environmental protection supervision mechanism and the establishment of departmental responsibilities. In the late 1990s, after the State Council of China carried out reforms and innovations, the rural environmental protection was handed over to the environmental protection department. However, according to the requirements issued by the Central People’s Government on the “Issuing and Distributing the Important Responsibilities of the Environmental Protection Department’s Internal Intuitions and Staffing Regulations,” the environmental protection department is mainly responsible for “coordinating and directing environmental protection in rural production” [3]. At this stage, the responsibility for management of rural environmental protection is mainly based on China’s environmental protection departments, agricultural departments, urban and rural construction departments, etc. At present, relevant environmental protection laws fail to indicate which government depart is responsible for monitoring the actual work of rural environmental protection. Many departments are responsible for the supervision and control of rural environmental protection. In addition, the rights and responsibilities are still not clear, the division of labor is not good, and the relationship positioning is inaccurate. As a result, the implementation of the rule of law in rural environmental protection has complicated subjects, scattered rights and difficult coordination.

3.3 Problems of the legal system
There is no detailed legal limit for rural areas, leading to the blurry scope of adaptation to the rule of law in environmental protection in rural areas. In the early 1990s, villages and towns were clearly explained through the issuance of the Planning and Construction Management of Villages and Towns. However, current laws and regulations failed to define “rural areas” clearly. As the definition of rural areas is too vague, the rural environmental protection legal system, the main body of rectification, and the requirements of the content have a large scope of application. Meanwhile, subjects of control are too many, and the content of the requirements is too cumbersome.
3.4 Problems of Environmental Protection

There is no law-based or unique regulatory mechanism regarding rural environmental protection. At present, China has not promulgated basic laws on systematically regulating rural environmental protection [5]. Because the legal mechanism for rural environmental protection at this stage fails to have a systematic and unique rural environmental protection mechanism, it does not clearly require rural environmental protection supervision mechanisms, application scope, and requirements, so that it is difficult to coordinate the relationship between rural environmental and nature protection, urban environmental protection with industrial pollution, which can’t carry out scientific, perfect, systematic, and precise rectification of the actual activities of rural environmental protection.

4. Improvement Measures for the Construction of the Rule of Law in Rural Environmental Protection

4.1 Defining Guiding Ideology

In order to promote the construction of the rule of law in rural environmental protection, it is necessary to adapt to the development of the new era and establish the correct guiding ideology. Only under the guidance of the correct guiding ideology can we solve the problems of rural environmental protection at the source, further strengthen the efficiency and legitimacy of the rural environmental protection law, and set the rural environmental legal mechanism and legal system into a perfect structure, complete functions, coordinated development, complementary management and control mechanisms [6]. In the context of the new era, the ideological guidance for the construction of the rule of law in rural environmental protection in China should be based on the current situation of rural environmental resources, environmental protection legislation, the basic needs of environmental protection historical transition, etc. It should also follow the natural ecological development laws, economic and social development status, adhere to the basic principles of sustainable development, follow the national policy requirements of energy conservation and environmental protection, combine the development concept of harmonious coexistence of man and nature and in accordance with the basic requirements for the construction of new rural areas and the realization of rural environmental legal system. Meanwhile, it should adopt the way of legislation of science and democracy to build a perfect legal mechanism for rural environmental protection, effectively protect environmental rights of farmers, promote the implementation of environmental protection countermeasures according to law, further develop rural environmental administration, build an environmental service-oriented government, improve rural ecological management and control mechanisms, so as to provide necessary guarantees to ensure rural economic development and rural environmental development.

4.2 Establishment of regulatory mechanisms

In order to further improve the modern rural environment, a rural environmental protection mechanism, a rural environmental protection management and control department and a comprehensive rural environmental protection organization should be set up, the rural environmental protection responsibilities should be reasonably divided, and the guidance role of the people’s government and rural committee should be fully played and the construction of rural environmental protection teams should be strengthened [7]. The rule of law in rural environmental protection needs to be further established. Governments at all levels should be responsible for the quality of the rural environment in their jurisdictions, attach importance to the construction of rural environmental protection, improve the supervision of rural environmental protection, and realize the integrated development of urban and rural protection as soon as possible. Environmental protection departments, agricultural departments, and construction departments at all levels should deal with the internal relations between them, improve their coordination, strengthen environmental protection awareness, improve their own quality of control, and achieve full cooperation. For example, based on satellite remote sensing monitoring and on-site inspection, the situation of rural straw burning in the country in 2017, 2018 and 2019 was shown in Table 3. Through observation, it can be found that establishing a sound regulatory
mechanism can effectively control rural straw burning, which has a positive impact on the improvement of the rural environment.

Table 3 Rural Straw Burning in the Rural Areas from 2017 to 2019

| Year | 2017  | 2018  | 2019  |
|------|-------|-------|-------|
| Number of Straw Burning | 16,542 | 10,364 | 3,644 |

4.3 Confirmation of Application Scope

The concept of rural areas is clarified at the legal level, so as to play an active guiding role. The rural area is a place where people who are engaged in agricultural production and construction dominate, and where the regular production and construction are located. Therefore, its significance involved two aspects. On the one hand, rural areas, as people’s settlements and production and construction areas, have planned the differences between rural and natural wilderness areas, rural and natural environment[8]. On the other hand, the rural population mainly engaged in agricultural production and construction. It can be seen that the majority of the people who usually live in rural areas are mainly farmers, who are engaged in agricultural production and construction. If the dominant force of the population in a specific area is not a farmer who engaged in agricultural production and construction, it cannot be planned into the countryside. For example, in Dongguan City, Guangdong Province, China, the resident population is more than 8 million, of which the working population is as high as 5 million. Although these 5 million people are all from rural areas, people are not engaged in agricultural production and construction, so Dongguan can’t be classified into a rural category. The fundamental characteristics of farmers, agricultural production construction and collective land use all depend on the agricultural geographic space and population. The development scale and population in rural areas differ greatly from the urban. Rural areas are dominated by peasants, where peasants live, socialize, and work long. Through the analysis of the above definitions of rural areas, the rural environment is a whole of natural and human transformational factors at the rural area, which affect people’s life and development. However, rural area is mainly aimed at waters, arable land, forest land, wildlife, living area facilities and other materials. As the fundamental rural environmental factor, the farmland usually operated by farmers is the core element of the rural environment. The basic conditions of natural and man-made materials, such as the atmosphere and rivers that pass through the countryside, are the basic factors that lay the foundation of the rural environment[6].

4.4 Establishing a Legal Mechanism

In order to meet the fundamental requirements of rural environmental development, it is necessary to further plan the rule of law for rural environmental protection, build a sound rural environmental legal mechanism, and show the role of overall environmental protection law in rural environmental protection. The rural environmental protection legal mechanism is mainly composed of the following parts: First, the Constitution limits the rural environmental protection; Second, the Basic Environmental Protection Law defines the basic principles of rural environmental protection and other environmental resources protection separate laws and relevant rural environmental provide protection; Third, current unique laws for rural environmental protection; Fourth, standard indicators for rural environmental protection; Fifth, requirements from related rural environmental protection rule of law of other department; Sixth, relevant rural environmental protection laws and normative systems, etc. Based on this, it is necessary to carry out reasonable amendments to the “Environmental Protection Act”, appropriately add the basic content of rural environmental protection, form the basic laws of environmental protection of “integration of cities, rural areas and natural areas”, and play an overall guiding role in rural environmental protection[9]. In order to strengthen the formulation of rural environmental protection regulations, it is necessary to establish highly viable rural environmental protection specific regulations, such as the Rural Environmental Protection Management Act, according to the current situation of the rural environment, clarify the specific characteristics of rural
environmental protection, and optimize the control system methods. In order to ensure the effective implementation of rural environmental protection work and regulations, it is necessary to establish a corresponding rural environmental protection mechanism, such as the establishment of the “Soil Pollution Prevention Act”, “Ecological Environmental Protection Act” and so on. As the same time, it must be combined with the actual situation in various rural areas to further standardize the corresponding environmental protection standard system.

5. Conclusion
In summary, the society is improving, and China attaches great importance to rural environmental governance, which is difficult and complex. Rural environmental governance needs to combine many aspects to carry out effective management and control, formulate a perfect rural environmental protection management and control, effectively solve the problem of environmental pollution in rural areas and strengthen farmers' awareness of environmental protection, so as to achieve the harmonious development of man and nature.

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