

Analysis on the Green Reform of Criminal Legislation of Environment in China

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Abstract: With the rapid development of China's economy, more and more attention has been paid to the issue of ecological construction. The ecological environment is also facing a huge crisis with the development of various industries. For protecting the environment, maintaining the ecological balance, and solving the related social conflicts caused by environmental problems, it is necessary to further improve the environmentally criminal legislation work and solve environmental related problems through legal means. At present, our country's environmentally criminal laws and regulations are not yet perfect. In order to maintain social stability and achieve green and sustainable development of society, it is urgent to carry out green reforms in criminal legislation of environment. This article discusses the deficiencies of criminal legislation of environment and puts forward personal suggestions, hoping to contribute to the relevant legislative work.

Keywords: environmental crime; green reform; criminal legislation

1. Introduction

The environment is the foundation of human existence. With the rapid development of social economy in recent years, environmental pollution problems have become very serious, which has caused troubles to people's lives. For the sustainable development of mankind, the country and government have realized the importance of solving environmental pollution problems. To solve the problem of environmental pollution requires the cooperation of all sectors of society, and criminal legislation for environmental protection is the most effective means. At present, due to the relatively late start of environmentally criminal legislation in China, the relevant experience and understanding of the national legislature is insufficient; at the same time, because local governments pay attention to economic development and often ignore environmental construction issues, which have brought difficulties to criminal legislation work of environment in China.

2. The meaning of green reform in environmentally criminal legislation

The formulation of any laws and regulations needs to be based on certain objective facts and legislative ideas, and the criminal legislation of environment is no exception. In order to better realize environmental protection, criminal legislation needs to be based on correct legislative concepts. The green reform of environmentally criminal law is an excellent concept that conforms to the laws of social development. Its meaning is to introduce the concept of greening into environmentally criminal legislation and law enforcement work, and adhere to the green development-oriented approach in the evaluation and identification of environmental criminal offenses, and criminal handling, and comply with the requirements of sustainable development.

3. Problems in criminal legislation of environment

3.1 Behindhand legislative ideas

At present, there are some limitations and deficiencies in our country's environmentally criminal legislation. First of all, the main reason is the backwardness of the legislative concept. Environmentally criminal legislation in China is based on anthropocentrism, that is, to protect the interests of people as the center to the greatest extent. From this perspective, in fact, environmental protection is also a means to protect human interests on another level, so such legislative ideas are lagging behind.

3.2 Low cost of environmental crime

At present, the subjects of environmentally criminal offence are generally collective, such as enterprises or units. The punishments for these offenders are generally short-term free punishments or low fines, which are relatively powerless. Compared with the profits obtained by the criminal subject on the basis of destroying the environment, such penalties appear to be negligible. It is precisely because of the low cost of environmental crimes that environmentally criminal laws have limited restraint on environmental crimes.

3.3 Incomplete legislative system of environmental crime

At present, there are relatively few articles and crimes in the legislative system of environmentally criminal law in our country, and it is difficult to adapt to the current diversity of environmental criminal crimes. For example, in the environmental pollution crime regulations, pollution is defined as pollution from air, water, soil and other pollution sources, and the scope of pollution is very wide and there is no specificity. Then the law enforcement work can only judge cases in a relatively general manner. At the same time, relatively high professional knowledge is required, and subjective judgments are relatively high. It is difficult to guarantee the fairness of criminal convictions in cases of environmental crime.

4. Green reform in criminal legislation of environment

4.1 Guide criminal legislation work of environment with the concept of "green"

In the traditional environmental criminal legislation work, the concept of humanism is deeply ingrained. In order to realize the green reform of environmentally criminal legislation, it is necessary to introduce the natural standard thought of green into the legislative work. Humanism and green naturalism can be combined, so that environmentally criminal law can not only meet human demands, but also coordinate with nature to promote development and achieve the best of both worlds.

4.2 Adhere to green and sustainable development

The concept of green sustainable development is a scientific development concept generally recognized by the public at present. Under the guidance of this concept, the previous practice of human economic activities destroying nature should be discarded. Environmental protection and economic development can be carried out at the same time. The original idea of "pollution first, treatment later" is incorrect. The price humans have paid for environmental damage is far more than what they have gained. Environmental legislation work also needs to take the concept of green sustainable development as the guiding ideology, and carry out legislative work on the basis of respect for the laws of social development.

4.3 Promote the reform of the penalty system

The free punishment and property-based methods of traditional punishment of environmental crime are mostly low-cost for environmental offenders, and it is difficult to have an effect on them. Therefore, the criminal law system in environmental criminal legislation also needs to undergo green changes, adopt a reasonable penalty system, and effectively play the role of environmentally criminal law. First of all, it is necessary to refine the charges of criminal offenses, recognize the diversity of environmentally criminal offenses, and take different measures according to the size of the sentence committed. Penalties are determined on the basis of the social impact of the environmental damage caused by the offender, and specific issues are analyzed in detail, so as to truly accurately crack down on environmental violations and crimes, and maintain the majesty of criminal legislation.

In addition, in terms of environmental protection, some developed countries in the West have formed a relatively complete legislative system, with relatively complete penalties ranging from the prevention of environmental crimes to the punishment of environmental offenders. Our country's environmental criminal legislation can learn from the legislative experience of western developed countries, select the essence, remove the dross, and improve ourselves.

5. Conclusion

The rule of law is one of the most effective ways for mankind to solve problems. In the process of human social and economic development, environmental damage has emerged one after another. Fortunately, contemporary China has realized the importance of harmonious coexistence between man and nature, pursues ecological balance and sustainable development, and adheres to the concept of green development. Although our country's environmentally criminal legislation started relatively late and lacks experience, it is believed that as long as we adhere to the correct guidance of green concepts, the construction of environmentally criminal law can be gradually improved and play a more active role in maintaining the harmonious coexistence of people and the environment.

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