

# **A Probe into the Rule of Law in the Construction of Ecological Civilization**

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**Abstract:** Ecological civilization is the main strategic plan of the Communist Party of China and the government. As a decisive factor in building a well-off society in an all-round way, ecological civilization plays an important role in China's social and economic development. At the same time, governing the country according to law as the main guiding ideology of China's socialist construction provides an important guarantee for the building of socialism with Chinese characteristics. Therefore, this paper combines ecological civilization with the rule of law construction, conducts in-depth analysis of all aspects of ecological civilization construction, and provides a strong guarantee for socialist construction work with Chinese characteristics.

## **1. Research background**

### **1.1 Literature review**

At present, the construction of the rule of law in ecological civilization has achieved good results in real life. At the same time, as China's economy continues to develop, the phenomenon of environmental degradation is becoming more serious. Relevant departments attach great importance to the construction of ecological civilization and further enhance the academic community's attention to ecological civilization and the rule of law (Wu, 2017). The strategy of governing the country according to law put forward by the Fourth Plenary Session of the Eighteenth Central Committee made the rule of law in the construction of ecological civilization a key area for the study of experts and scholars. In the early 1980s, China made many efforts to promote the rule of law society - further development, and added criminal charges for environmental resources in the criminal law (Zhang, 2013). At the same time, the relevant departments issued the "Opinions of the CPC Central Committee and the State Council on Accelerating the Construction of Ecological Civilization", further clarifying the opinions and decisions on the construction of ecological civilization (Luo, 2017). In the 21st century, Chinese scholars have concentrated on ecological civilization, and laws and regulations in different fields have been introduced and improved, forming the basic framework of China's environmental law (Yang and Li, 2011). In October 2014, China's proposal of governing the country according to law prompted the country to take the rule of law as the starting point, and conducted a new study on the rule of law of ecological civilization. "The promotion of the rule of law requires the advancement of the rule of law" and the study on the construction of the legal system of ecological civilization in the context of administering the country according to law. In the further discussion of the importance of ecological civilization construction and rule of law construction (Han and Miao). Therefore, based on the above research results, this paper further analyzes the rule of law in the process of ecological civilization construction.

### **1.2 Purpose of research**

In recent years, with the rapid development of the economy, the harmonious coexistence between mankind and nature has become one of the main contradictions in the development of Chinese society. Among them, the ecological crisis is one of the main forms of expression. The ecological crisis mainly refers to the crisis between people and people and between nature, further highlighting the importance of nature in the process of human development. At the same time, the emergence of ecological crisis further warns human beings to correctly handle the relationship

between human beings and nature, and fully understand the importance of nature. In addition, in the Marx and Engels theory, it indicates that ecological civilization is the inevitable outcome of industrial civilization, revealing that the ecological crisis has formed social factors. Therefore, in combination with the Marx and Engels theory, we further analyze the development status of the rule of law construction in the construction of ecological civilization.

## **2. The theoretical basis of the rule of law in the process of ecological civilization construction**

### **2.1 Ecological civilization**

Ecological civilization plays an important role in the process of legalization. From the literal point of view, ecological civilization is composed of two parts: ecology and civilization. The word ecology was first proposed by the German zoologist Ernst Heck, who believes that animals have an adaptation to the organic and inorganic environment (Lin, 2015). The concept of ecology has become more widespread so far. It has a wide range of applications in the animal and plant world. In the existing ecosystem, each subsystem has its own ecological category, and each subsystem constitutes an ecosystem. At the same time, the word civilization is widely used in Chinese society. Civilization in the field of sociology mainly refers to the process of human transition from barbaric development to civilization, and is one of the main characteristics of human social development (Ma, 2011). Combined with the above theory, it can be seen that ecological civilization mainly refers to the product of harmonious coexistence between human society and nature. At the same time, from the perspective of human development, ecological civilization is another form of civilization that emerged after industrial civilization, and this form of civilization is a new type of civilization that transcends agricultural civilization and industrial civilization (Fan, 2016). The so-called ecological civilization construction is the result of the development of labor productivity while paying more attention to the coordinated development of productivity and environmental carrying capacity, and is the only way to achieve sustainable development.

### **2.2 Rule of law construction**

The so-called rule of law governs the country according to law, that is, it governs the state according to the law. The rule of law is a new form of governance relative to other forms of governance. In a society under the rule of law, the law has higher rights than the ruling class and other rights organs (Lin, 2016). Among them, the rule of law as the main means of governing and maintaining social development is one of the main manifestations of social fairness and justice, and one of the important signs of the development of human civilization. At the same time, the society under the rule of law requires government departments to exercise their powers in accordance with the law. And when exercising your authority, you need to ensure that everyone has the same legal rights and obligations. The rule of law as a country's macro-governance strategy is an important means of implementing management in the country (Ren, 2014). At the same time, the rule of law, as a symbol of democracy, does not shift from personal feelings. Compared with other governance, democracy is the most prominent form of state governance.

### **2.3 Ecological civilization rule of law construction**

The rule of law in ecological civilization can be divided into two parts: ecological civilization and the rule of law. The construction of the rule of law in ecological civilization is to better coordinate the relationship between human beings and the natural world and promote the harmonious coexistence between mankind and nature. Throughout history, there is no clear definition of the rule of law in ecological civilization, but in comparison, it has a certain theoretical basis for the rule of law in the environment. At present, according to the study of a large number of scholars in China, it can be concluded that the rule of law in ecological civilization is to take into account the development process of ecological civilization and the rule of law when carrying out the socialist cause. Moreover, the construction of ecological civilization is an important way to realize the harmonious development of ecological civilization and rule of law. The rule of law in

ecological civilization in China is based on environmental science and law, and conducts in-depth research on the rule of law, and implements the rule of law and the rule of law into the specific links of ecological civilization construction, including legislation, law enforcement, and law-abiding. And the implementation environment. Among them, applying environmental ethics and ecological ethics to the process of ecological civilization rule of law construction can effectively establish a new order of harmonious coexistence between man and nature, and provide a strong guarantee for sustainable development.

### **3. Problems in the rule of law in the process of ecological civilization construction**

#### **3.1 Legislation is not perfect**

At present, China has made great achievements in laws and regulations in the field of the environment, providing a strong guarantee for the construction of ecological civilization. However, these results are quite different from the established goals and are difficult to match the needs of ecological civilization. For example, the imperfection of the legislative system and the lack of legislative basis will further aggravate the difficulty of building the rule of law in the construction of ecological civilization. The imperfect legislative system of ecological civilization and the lack of legislative basis will hinder the advancement of the process of ecological civilization construction. At the same time, the current ecological civilization legislative system does not guarantee the normal development of ecological work in ecological civilization construction. For example, the Constitution clearly stipulates that China protects and improves the ecological environment and prevents pollution. This provision clarifies the state's overall strategy for environmental protection. It does not enshrine the protection of the environment as the basic responsibility of Chinese citizens, and does not incorporate ecological civilization into the environmental legislation system.

#### **3.2 Ecological civilization has legislation that is not clear**

The construction of ecological civilization rule of law as a new development strategy for solving ecological problems in China provides a new way of thinking and solutions for solving the harmonious relationship between man and nature. Therefore, the legislative work related to the requirements of ecological civilization construction is more scientific, and it is necessary to clarify the legal provisions so that the construction of ecological civilization can be legally enforceable. However, in the process of ecological civilization construction in China, because the main provisions of some legal provisions are not clear, the relevant departments in the process of law enforcement, because of their unclear understanding of their rights and responsibilities, ultimately led to the phenomenon of law enforcement is not effective. For example, the Law of the People's Republic of China on Prevention and control of atmospheric pollution stipulates that a motor vehicle or a ship that manufactures or imports a pollutant exceeding the discharge standard requires the relevant law enforcement department to order it to stop the illegal act. Since the subject of this law is not clear, there are many problems in the specific implementation process. However, in the legal category, the vitality of law lies in its implementation. Once there is a phenomenon that the legislation is unclear, it will lead to the failure to implement laws and regulations, which in turn will make the law lose its vitality.

#### **3.3 Ecological civilization has legislation that is not scientific**

As an important means of regulating human social relations, law is the main result of human beings through subjective activities. However, the relevant provisions of the law are, after all, objective areas that reflect human understanding of the objective world. Therefore, the objectivity of the law requires that it must be able to be used correctly and reflect objective laws, especially in the process of ecological civilization construction, which must conform to the laws of nature. However, in the process of ecological civilization construction in China, laws that are unscientific and do not conform to the laws of nature will cause the illegal activities to breed and develop on the basis of undermining legal authority. For example, China's "Air Pollution Prevention and Control Law"

stipulates that enterprises that do not have air pollutant discharge equipment in accordance with relevant regulations shall be fined more than 20,000 yuan and less than 200,000 yuan. However, this regulation will have a certain impact on small businesses, but for large and medium-sized enterprises with pollution control costs exceeding 200,000 yuan, this legal regulation does not have any deterrent effect on them, and ultimately leads to the authority of Chinese law. To severe damage.

#### **4. The basic ideas of rule of law in the process of ecological civilization**

##### **4.1 Clarify the basic guiding ideology of the rule of law in ecological civilization**

In the process of building an ecological civilization rule of law, it is necessary to have a clear guiding ideology to achieve a good combination of the rule of law and ecological civilization. In this process, relevant departments should continuously form and improve China's rule of law system based on the background of the times, and achieve the same historical and realistic goals. Moreover, the relevant departments should carry out the overall design under the guidance of Marx and Engels' ecological civilization. Specifically, Marx and Engels' ecological rule of law should be integrated into the construction of China's ecological civilization. As a theoretical basis, it should provide a basic position for relevant departments to build an ecological civilization rule of law system. Secondly, Marx and Engels's dialectical treatment of human beings, people and society, and the relationship between man and nature as the methodological guidance in the process of ecological civilization rule of law construction, further improve the theoretical basis of the ecological civilization rule of law. Finally, the Marx and Engels ecological civilization rule of law is combined with China's actual national conditions, revealing the correlation between human beings and nature in depth, and taking social practice as the basic form of harmonious coexistence between man and nature.

##### **4.2 Clarify the principles of the rule of law in ecological civilization**

At present, China is a socialist country and its important rule of law is socialism. Therefore, in the process of building ecological civilization, China must follow the basic principles of socialist rule of law. Specifically, China must have a common reference principle in the process of ecological civilization construction. This principle should mainly include the objectives of ecological civilization, and this goal reflects the ecological value. This approach can promote the full respect and embody of ecological laws in the process of ecological civilization construction, taking sustainable development as the main direction, and taking common responsibility and overall consideration as the basic principles for ecological civilization construction. Among them, respecting and embodying the ecological law is an important manifestation of following the basic principles. Specifically, in the process of ecological civilization construction, we should not adopt a strategy that only governs the outcome, and does not pursue the cause. The ecological law should be used to measure the proper implementation of the rule of law and ensure the smooth progress of ecological civilization construction.

##### **4.3 Establish the value concept of ecological civilization**

In the process of building an ecological civilization rule of law, it is necessary to establish a clear value concept to ensure the smooth progress of ecological civilization. Specifically, in the current era, we should apply the ecological and natural views of Marx and Engels to the process of ecological civilization construction in combination with China's national conditions, establish a comprehensive unity of people and ecology, and establish the value concept of ecological standardism. In the process of building the rule of ecological civilization, it is necessary to fundamentally change the relationship between human beings and nature. It is necessary to change from the social standard to the ecological standard and ensure that human beings move toward a more rational development path in ecological civilization construction.

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