Research on the Legal Regulation of Food Safety in China

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ABSTRACT

The ancients said: "Hunger breeds discontentment, food to safety first." Based on the present situation of food safety in our country, this paper points out the main defects. It is very necessary to improve the legal regulation of food safety by improving the legal regulation system. We can also perfect the supervision system of China's food safety and establish a unified standard system in our country.

KEYWORDS

Food safety, Problems, Legal regulation, Suggestions

INTRODUCTION

In recent years, our country's food safety problem is outstanding, food safety legal regulation put forward higher request for us. Food safety problem has been an important social problem and what people are most concerned about, the most direct, and the most realistic. It has always been the focus of social concern in all over the world. However, food safety issues have become increasingly prominent, the public's satisfaction with food safety situation is lower, and then evolved into a panic for food safety. Therefore, we should put forward practical suggestions on the basis of correct analysis of food safety issues, and hope to improve China's food safety gains from the perspective of law.

QUESTION PUT FORWARD

Before we explore the issues, we need to define two concepts: one is the concept of food, another is the concept of food safety. According to the latest revision of the People's Republic of China Food Safety Law, food "refers to a variety of for people to eat or drink of finished products and raw materials and in accordance with both traditional food and pharmaceutical items, but does not include the treatment for the purpose of the items". From the connotation we can clearly know that the food and the items which for
treatment are different, food include the general food, alcohol and various beverages. From a viewpoint of law, food safety refers to the production, processing, circulation and consumption of food in line with the national mandatory standards and requirements. There is no harm or threat to the health of the human body and its descendants of toxic and harmful substances, and there is no possibility of causing consumer diseases.[1]

We should clear the concept of food and food safety, and then we will find that food safety issues are so grim. In recent years there are a lot of food safety issues, such as 2005 "KFC Sudan red event", 2010 "trench oil incident", 2011 "lean meat essence event", OSI group's rotten meat event in 2014 and so on, these issues continue to reduce people's confidence in food safety, and challenge the bottom line of morality and law. Through analyze and sort the datas, we found China's food safety problem has characteristics of human, repeatability, and involved the scope of a growing trend, again and again break people's understanding of food safety. As a law student, I often think about the problem of food safety in our country, how to use the legal to protect food safety. Nowadays, the problem of food safety in our country is serious, and the countermeasures to solve the problem of food safety is that we should put the law regulation forward.

PROBLEMS IN THE LEGAL REGULATION OF FOOD SAFETY IN CHINA

The system of laws and regulations is not perfect

I think that the system of laws and regulations are not perfect mainly embodied in two aspects of quantity and quality. First of all, in terms of quantity, the law of the food is very little, especially in the aspect of food safety law. Although the law of food safety has been continuously enriched, especially after the revision of the "food safety law" in 2015, our country has made some achievements in the field of food safety. But in the face of such a severe food safety situation, these laws and regulations are not enough. Secondly, from the content and quality of view, mainly in the content is not comprehensive and lack of legal and regulatory aspects of the two aspects of the. Food safety involves the production, processing, circulation and consumption, on the whole content of the various processes are involved. But the content is not rich. At the same time, China's food safety related laws and regulations are overlapping, meaning vague, lacking of convergence. The law can not effectively cooperate with each other, let alone to solve the problem of legal regulation.

The supervision system is not perfect

Supervision system is not perfect. I analyze it from the aspects of vertical and horizontal. In the Vertical view, mainly refers to the time, the vast majority of the regulation of the food industry in our country is post regulation. This regulation is often remedial type. Regulation includes ex ante, and ex post regulation, in which the lack of a certain point of time regulation will be a reflection of the perfect supervision. In the horizontal view, the current supervision mode of our country is mainly based on the administrative supervision, and lack of industry and social supervision. Lack of enthusiasm and initiative in the food safety industry, the performance of the supervision are passive supervision, supervision system is not perfect resulting in food safety issues outstanding.
The food standard system is not perfect

China's current food standards are mainly reflected in the following aspects: first of all, China's food standards, mainly by the relevant departments of the drafting standards, and even the same department to develop standards are different. Industry standards are unified on the whole, there are differences between industry standards according to different needs. In the standard inspection, there is a contradiction between the industry standard and the national standard. Secondly, the differences between different standards to the implementation of legal norms caused great confusion to food safety industry. Thirdly, our food safety industry has not established a unified system of industry management, and the public's awareness of food safety standards is weak, it is not difficult to find that the standard of our country is lack of authority and operability. Finally, some food safety problems are caused by the imperfect food standards, consumers can not find the corresponding laws and regulations to safeguard their rights and interests.

Countermeasures of Improving China's Food Safety Problems

Improve the legal regulation system

Legal means is one of the important means to ensure the healthy and orderly development of China's food industry, food safety laws and regulations are the basis for the implementation of legal means. From the perspective of mine, the development trend of the legal regulation and food safety in the world, countries all over the world are committed to establish a more perfect system of laws and regulations on food safety. At present, China's food safety related laws are not comprehensive and lack of operational and other issues. First of all, we have to constantly upgrade food safety laws and regulations, to enrich the contents of the legal system, and improve the production, processing, circulation and consumption of the four processes. Secondly, we need to reduce the conflict of legal provisions and legal loopholes, and improve the operational level of the law. Thirdly, in order to strengthen the intensity of violations, the legal liability should be clear. Finally, learn from the experience of foreign food safety legislation, improve the relevant laws and regulations, and gradually improve the level of food quality in China.

Improve the food safety supervision system

At present, there are many problems in the food safety supervision system in our country, which requires us to improve the regulatory system. Firstly, the time to carry out a segmented supervision, the ex ante, and after the three phase of the supervision of the combination. We can achieve the whole process of supervision, rather than just confined to a certain stage. Secondly, we can build a unified and efficient food safety supervision and management system which consists the establishment of food safety supervision and management departments. Finally, we should expand the scope of the main body of food safety supervision, then let industry and social supervision of the subject of organic unity and establish the administrative body and the association of industry associations and other common supervision.
Establish a unified standard system
China's current food safety standards exist system is not perfect, standard consciousness desalt, standards is not perfect and other problems, we need to establish a unified food safety standards to strengthen the legal regulation of food safety in our country. First of all, we need to strengthen the national standardization management, strengthen the coordination among departments, and achieve the four unified management functions of the national standard, "unified planning, unified examination, unified numbering and uniform approval issued". Secondly, improve the development of food safety standards and industry standards, and the world's connection with the world. Combined with the characteristics of the domestic food safety industry itself, and learn from the international advanced food safety standards. Finally, the publication of the standard information should be timely and shouldn't be dragged, in line with the needs of the industry to guide consumption.

Food standards is a large and complex project; the realization of standardization is not easy. Food standards needs the efforts of all sectors of society. We need to accelerate the propaganda work of food standards to promote the improvement of China's food safety laws and regulations.

CONCLUSION
At present, there are many problems in the legal regulation of food safety in our country, which can not meet people's expectations. In practice, we need to fully understand the basis of food and food safety, grasp the problem of food safety laws and regulations. And China's national conditions, put forward the Countermeasures of legal regulation at the same time.

REFERENCES