Analysis of the Construction of the Legal Guarantee System for Public Safety in China

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Abstract. In order to safeguard the public safety and promote the sustainable development of society, it is imperative to construct the legal safety system for public safety in our country. On account of the existing problems in the public safety in our country, we should construct the legal guarantee system for public safety in China starting with improving related laws and regulations of public safety, incorporating standards and plans to prevent safety accident into legislative rules, establishing public safety assessment mechanism and ensuring its implementation, and enhancing the propaganda of public safety legal system and skill training.

Introduction
The Thirteenth Five-Year Plan put forward to "Firmly establish the concept of safe development, uphold the interests of the people first, strengthen education of national safety awareness, and improve the public safety system", indicating that the national leadership attaches great importance to the construction of public safety system. Public safety is the foundation and prerequisite for the comprehensive development of all the undertakings of a country, as well as the constraining factor of social development. There are two safety systems in our safety context, one is the national safety system, including political safety, homeland safety, military safety, economic safety, cultural safety, scientific and technological safety, information safety and ecological safety, etc; the other is the public safety system, including food and drug safety, production safety, disaster prevention and mitigation, social safety, nuclear safety, fire safety, traffic safety, campus safety and community safety, etc.\[1\] Public safety is different from national safety, as traditional national safety aims at the country, while public safety aims at public places. In addition, public safety is also different from the personal safety of citizens. The essential characteristic of public safety is that the objects and quantity are not specific, which will constitute a public safety problem only to a certain degree. Public safety, as the middle ground of the whole national safety system, has the special status and function of carrying national safety upward and guaranteeing personal safety of citizens downward.

The Necessity of Constructing the Legal Safety System for Public Safety in China

The Establishment of the Legal Safety System for Public Safety is the Realistic Need of the Public Safety Crisis
At present, China is in the period of social transformation. With the rapid development of social economy, the transfer and redistribution of rights and interests caused by revolution have brought about a high incidence of various public safety crises that affect the country's political stability and economic development; there is increase but no decrease in the number of natural and man-made major disaster events. The actual damage and public opinion caused by the incident put forward a severe challenge for the public safety management level and crisis management ability in China. The establishment of a scientific legal guarantee system for public safety is conducive to the normalization of public safety management, making us take appropriate measures according to laws and regulations in the face of public safety crisis to minimize the loss.

The Establishment of Legal Guarantee System of Public Safety is the Need to Perfect the Construction of Democracy and Legal System
To build a high degree of socialist democracy and a complete socialist legal system is an important
goal and task of Chinese socialist modernization. To strengthen the construction of the legal guarantee system of public safety is a very important aspect in realizing a high degree of socialist democracy and a complete socialist legal system. In a sense, the state of democracy and legal system in a country or region can reflect its overall development level to a certain extent.

The Establishment of Legal Guarantee System for Public Safety is the Need to Take into Account the Public Interest and Individual Interests of Citizens

The core of constructing the legal guarantee system for public safety lies in the fact that the government must strictly perform its duties according to law, aim to protect the citizens' rights and interests and do not abuse the right of public safety management, which is in line with the constitutional goal of protecting civil rights and restricting state power. In the process of public safety management, we have to measure and choose between the public interests and the individual interests of the citizens in order to deal with the complex public safety crisis. And we require the restraint and counterbalance of the law to coordinate the contradiction between the two. The establishment of legal guarantee system for public safety not only can clarify the protection of public interests by relevant departments when dealing with public safety crisis, and effectively protect the individual rights of citizens by regulating and restricting the power of the relevant government departments.

The Problems and Reasons of Public Safety Management in China

The Public Have Deviation in the Awareness of the Idea of Public Safety and Lack of Public Safety Concept

The popularizing rate of laws and regulations related to the public safety is not high. There is a certain degree of deviation from the state, society to individual. From the national level, the awareness of constructing the legal guarantee system for public safety is not in-depth enough. In spite of the introduction of the "Emergencies Response Law of People's Republic of China", "General Emergency Plan for National Public Emergency", "Emergency Plan for National Public Health Emergency " and other related policies, these policies are not sufficient to effectively cope with various and complicated public safety crisis. From the social level, the community is indifferent to public safety, and the propaganda from relevant education and legal departments as well as the news media on public safety skills are not in place, lacking of lasting and effective mechanism to raise public awareness of public safety precaution. From the citizen individual level, due to the lack of public safety awareness, the majority of citizens are in line with the wrong idea that public safety belongs to a national management category and has little relationship with individual. On this occasion, citizens also lack of the consciousness to improve public safety self prevention skills.

There are Problems in the Standards, Plans and Facilities for the Prevention of Public Safety

On February 16, 2015, "The Announcement on the Public Safety Industry Standard (2014) Issued by the Ministry of Public Safety" was implemented, which involves 30 mandatory standards, 125 recommended standards, 2 guidance documents and 1 department metrological verification regulation. However, these standards are basically specialized and technical requirements on public safety facilities. Due to the lack of appropriate specialized knowledge, the general public cannot comprehensively monitor the standards of public safety precautions. In addition, with the social development, the space on the ground can no longer meet the needs of mankind, so people increase the development and utilization of underground space. However, people usually won't fully consider public safety factors in the planning and design of underground space, not even start with the strategy of overall urban planning. For instance, when developing the underground space in bustling downtown, people would generally carry on planning from the economic interests, lacking overall coordination, which will pose a potential risk for public safety. At present, the precaution on public security issues of underground space are mostly concentrated on basic aspects such as
installing cameras, equipping with fire fighting apparatus and security signs, etc. Besides, the public has relatively weak safety awareness of the underground space, and the publicity and training of underground space safety skills from relevant departments are not in place, which further led to the absence of our country in the standard, planning and supervision of public safety.

There is a Lack of Public Safety Risk Assessment Mechanism

Public safety risk assessment mechanism refers to the institutions and systems that carry out risk assessment of public safety, including evaluation subject, evaluation content, index system, evaluation method, evaluation procedure and evaluation result. The establishment of public safety risk assessment mechanism is the prerequisite and guarantee of risk management, but the foundation of our public safety guarantees still in a weak stage. First of all, there are problems such as unclear functions and assessment subjects. The assessment lacks the participation of relevant departments and professional teams, and the division of duties among departments is not clear enough, which often relies on a department to carry out the risk prevention and control work. The existing law does not have a clear risk assessment subject, and it forms a fragmented evaluation mechanism dominated by "line department". Secondly, the assessment technology fall behind and methods are unscientific. There are many methods of risk assessment at home and abroad, but there are not many assessment subjects possessing professional knowledge currently, which leads to the backward evaluation technology and wanting methods. Thirdly, the risk awareness is weak. From the public safety incidents in recent years, it is found that the government departments lack the awareness of public safety risk prevention and they do not carry out safety risk assessment for the areas where large crowds may exist because of lacking proper cognition. Finally, fragmentation and department cooperation are not enough. For example, the stampede event in Shanghai Bund was caused by sector fragmentation and the lack of coordination.

The Emergency Treatment Professional Capacity and Individual Risk Reduction Skills are Not Universal

On December 31, 2014, the stampede event on the Bund in Shanghai exposed the structural shortcomings of the public safety system in our country. It also reflected the great shortage in emergency treatment professional capacity and individual risk reduction skills. The relevant departments did not make effective plans and failed to communicate effectively. At the time of the accident, security personnel had no parry of power on the dangerous situation. In addition, the masses have low risk analysis skills as well as a weak awareness of public safety. The publicity and training of public safety precaution skills from relevant departments is not enough, which leads to a panic in the accident, indirectly causing greater damage. The essence of constructing public safety system is implementing to the people. At present, the whole community did not understand public safety precautions very well, and the recognition degree of relevant departments is also not enough. People always want to take the chance that "It will not happen". There aren’t strong executive departments to implement public safety precautions or long-term supervisory organizations to urge the implementation of preventive work, so after the accident it has not been effectively control the situation.

Suggestions on Constructing the Legal Guarantee System for Public Safety in China

Perfect Relevant Laws or Regulations and Standardize Public Safety Management on the Whole

First, develop a "Public Safety Law" and clarify the public safety responsibilities of government and departments at all levels. We should prescribe a limit to the scope of responsibilities and interrelations of public safety for governments and departments at all levels through the law, further clarify the emergency disposal authority of government at all levels in public safety events and provide legal persons or other organizations with the necessary rights protection. Only a clear division of responsibilities can play the role of effectively preventing to make excuses mutually and strengthening the effective convergence and collaboration among relevant departments, and
implementing public safety emergency response and prevention work in the place. Second, improve the public safety education legislation system. We should establish specific norms and standards of the public safety education, attach importance to school education and cover the general public of all sectors of society, so that there are laws for public safety education to abide by. At the same time, we should strengthen the publicity of public safety education through the community, deepen public awareness of public safety and make them grasp prevention skills, and finally achieve the purpose of public safety education. Third, establish and improve the organizational system of public safety. We should set up public safety agencies under the State Council and the people's governments at all levels as soon as possible, further integrate and improve the laws and regulations to handle emergencies, establish laws and regulations and institutional systems that can unify and coordinate emergencies, and rationalize the relationship of rights and obligations of governments, societies, enterprises and individuals in the emergency.

Incorporate the Standards of Public Safety Precautions and Planning into the Legislative Plans

Public safety legislation requires scientific forecasting and planning, taking reasonable factors into account. Otherwise it cannot change the incompatible, inconsistent and contradictory situation existing in public safety laws and regulations and cannot do a good job in public safety regulations and systems. In the legislative planning, we should carry out scientific forecast of public safety legislation based on the principle of seeking truth from facts, develop scientific and reasonable legislation planning based on the analysis of existing laws, regulations and rules, combined with the practical needs of social development, and further clarify the standards for the prevention of public safety to facilitate public awareness. In the process of legislation, we should combine urban planning with public safety and improve the importance of preventing public safety planning so as to properly handle the contradiction between public safety and urban planning and effectively control the occurrence of public safety accidents from the source. For the facilities to maintain public safety, we should clarify the minimum standard of relevant facilities in legislation and increase the training and supervision of related personnel to minimize losses.

Establish Public Safety Risk Assessment Mechanism and Protect its Operation through the Laws and Regulations

First of all, we should perfect the construction of risk assessment mechanism, build a complete urban public safety assessment legal system combined with local characteristics and features of risk sources according to the requirements of national public safety legal system, strengthen the implementation of supervision, incorporate the risk assessment work into the daily supervision work and implement risk prevention and control measures. Second, we should improve the comprehensive management information system, form a city-wide information management technology platform, establish risk database and case base of public safety and carry out structure processing for the historical data. In the evaluation method, we should introduce the professional team, further into line with foreign advanced assessment methods, adopt professional data statistic and theoretical methods and improve the risk pacifying index system for urban public safety. Third, establish public safety expert evaluation system and strengthen education and training. We should prevent and respond to social risks by focus on unity, authority, accuracy and efficiency through the provision of expert elites, reform the hardware and software facilities, improve the manager's risk awareness and risk assessment capabilities, so that the prevention work can obtain fundamental protection and implementation. Fourth, integration of departments and regions at different levels and promote risk assessment collaboration. We should develop realistic work flow, establish coordination mechanism between organizations and departments, ensure the rapid and smooth communication of information, introduce the basic system of responsibility division, establish coordination and supervision system, establish the quantitative indicators system for coordination work and incorporate it into the work assessment of departments and individuals, improve the public safety management system in China through the establishment of risk assessment mechanism and protect its implementation through laws and regulations.
Strengthen the Legal Publicity of Public Safety and Popularize Emergency Professional Capacity and the Corresponding Skills of Security Incidents

Only when the public awareness of public safety rises to the level matching with economic and social development and individuals can consciously abide by the rules and order, we can fundamentally reduce the occurrence probability of public safety incidents. In order to achieve the goal we should start with several aspects: First, we should adopt targeted and acceptant mode of education according to the characteristics of educational objects. For example, ensure that each unit and school carry out at least a large-scale law popularization per year. Second, we should further improve the safety education of key industries according to industry characteristics. Third, we should carry out comprehensive education on safety knowledge. The universal education on the whole society and all citizens about comprehensive safety education includes both legal knowledge and science and technology knowledge of social public safety system and the popularization and education of personal self-protection and stress handling skills. Fourth, we should increase the capital investment on public safety education. Public safety education should be included in the national training. Appropriate fund guarantee should be established to ensure sufficient funds for public safety education research, teacher training and teaching materials. Fifth, we should strengthen the financial support and training strength on the emergency professionals of safety incident, arrange professional and technical personnel regularly train the community on professional capacity and skills training of safety emergency in community, and expand the influence of the legal publicity on public safety.

Conclusion

It is of great significance for the construction of public safety legal system to establish a public safety legal guarantee system with complete categories, distinct levels, mutual support and uniform content, which provides legal support for the management of public safety in China. It’s the ought way for the public safety management in China to move toward the standardization, the systematization and the rule of law to perfect the construction of public safety legal system in the principle of seeking truth from facts according to the direction, the plan and step by step.

Reference


