The Realization and Guarantee on Fitness Right of Citizens under Healthy China Program

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Abstract. To implement the strategy of national fitness, it is necessary to take the citizens’ exercise right as the core, the citizens’ fitness condition as the basis, and the rule of law as the means. The condition of national fitness has basic conditions and extension conditions. The basic conditions are the original condition of citizens’ fitness as sports activities, and the extension conditions mainly refer to the policy environment condition of citizens’ fitness. The basic conditions can be summarized into five aspects such as space, time, economy, ability and interest. A comprehensive analysis of these five aspects of citizens’ fitness basic conditions and existing problems, through different legal departments of the state working together under the guidance of the rule of law, will guarantee the realization of citizens’ fitness basic conditions according to law.

Introduction

At present, the research on legal countermeasures of the realization and protection of citizens’ fitness right is mainly confined to the perspective of sports law, and lack in systematic analysis of the constitution of citizens’ fitness conditions. As there are many reasons for the realization of citizens’ fitness right, the constitution of citizens’ fitness presents diversified characteristics. Therefore, the protection of citizens’ fitness right and the promotion of national fitness strategy have a comprehensiveness and complexity of policy, asking for the policy coordination of medicine, health, body, food, medicine, etc., and working together by different legal departments under the guidance of the rule of law. This paper starts with related factors that influence citizens’ fitness conditions, analyses the problems existing in the elements of citizens’ fitness constitution, and provides legal protection for the creation of citizens’ fitness conditions and the realization of citizens’ fitness right through the Constitution, Sports Law, Administrative Law, Civil Law, Environmental Law, Labor and Social Security Law, etc.

Constitution and Problems of Citizens’ Fitness Conditions

Citizens’ fitness requires leisure and free time, an adequate and safe space, a stable and prosperous economy, as well as some fitness knowledge, skills and interests. The above conditions are independent and mutually integrated, constituting the basic conditions of citizens’ fitness.

Time Condition

Time can be divided into labor time and free time. Free time can facilitate people's all-round development, and is also a time condition for citizens’ fitness. The main problem existing in the time condition of citizens’ fitness in our country is that people have no time to exercise or not to spend spare time on fitness.

Citizens Work More Hours and Have Less Leisure Time. With the development of scientific technology and social economy, people enjoy more leisure time. However, the economic development of our country did not share the leisure benefits with workers, while actual working hours are still running at a high level. The phenomena of working overtime is very common, the
accidents of work-related injuries and overwork death due to fatigue occur frequently, and the sitting right of laborers is not adequately protected and realized. According to statistics of the Ministry of Human Resources and Social Security in 2014, the implementation rate of paid vacation system in China is less than 50%. According to the "China Workplace Balance Index Report in 2012", the average working time of employees is 8.66 hours, which exceeds the national legal 8-hour shift. 30.3% employees work more than 10 hours, even up to 16 hours. In the labor dispute cases concluded by Beijing Second Intermediate People's Court in 2012, the wage disputes caused by not taking annual leave were as high as 45%. [1]

Citizens Spend More Spare Time on Entertainment and Enjoyment While Spending Less Time on Physical Fitness. “The prerequisite for the development of man's free time is the creation and possession of free time, and the key lies in the rational use of free time by people. [2] "When people have more disposable time, they can handle and arrange their own development time autonomously. But in our country, people do not spend more leisure time on self-development, but on material enjoyment. [3] According to statistics, employees in China spend 8.025 hours on leisure and entertainment at home, 2.782 hours on housework, 2.385 hours on outdoor recreation, 2.222 hours on shopping, 2.142 hours on learning, 1.953 hours on online shopping, with a least time for 0.984 hours spent on physical fitness. In other words, the average time of physical fitness in Chinese employees is less than one hour. Thus, that citizens enjoy free time only provides a time prerequisite for sports fitness, it does not mean that they will inevitably engage in fitness activities and fitness time will inevitably increase.

Space Condition

The space condition mainly refers to the fitness place. The citizens' fitness places need not only sufficient quantity, but also safety and comfort. In addition, the space condition is not limited to physical space, but also includes environmental quality space. Building a healthy environment is the protection of health right and a good natural and safe environment is also conducive to the development of citizens’ fitness activities. A citizens’ fitness space conditions mainly include following contents: (1) quantity and quality of fitness venues; (2) safety and health of workplaces; (3) green lands, parks, squares, etc.; (4) regional society, such as street communities, residents autonomy; (5) living environments; (6) environmental pollution of, public security, health protection; (7) traffic situations to and from fitness places.

In China, the natural and security environment of citizens’ fitness are affected by rapid economic development, increasing population, environmental pollution and "panic" caused by resources consumption, food safety, public security incidents and existing problems in production safety and occupation health. But compared with these environmental quality problems, physical space, lack of citizens’ fitness venues and facilities, is the most direct and the main reason of our country citizens’ fitness activities. Fitness venues and facilities mainly include those of campus, unit, residential areas (villages) and public sports venues. Nevertheless, the fitness places and facilities are still important factors restricting the development of Chinese citizens’ fitness activities. In the survey of people aged 20 and above in China, 10% of the participants did not take part in physical exercise because of lack of venues and facilities, 13% are affected by lack of sports venues and facilities.

Economic Condition

Citizens’ fitness needs to be based on the stability and abundance of economic life. It will lose economic basis if employment is difficult, income is low, prices are high, taxes are heavy, social security system including pension and health insurance system are not perfect, and even in some places, the problems of food and clothing has not yet been fully solved. In recent years, the country have been promoting and developing sports industry and fitness & leisure industry through policy guidance, and it has been considered as a new economic growth point to protect and improve people's livelihood, creating material and economic conditions for citizens to carry out fitness activities. However, the overall scale of sports industry in China is not large. The sports leisure industry
structure is unbalanced, the effective supply is insufficient, the facility construction and equipment manufacture is lagging behind, and the system and mechanism need further reform and improvement.

In terms of individual citizen, a stable occupation, a steady income and a wealthy life, will affect the performance of fitness activities to some extent. According to statistics of the National Bureau of Statistics in 2014, China still has a poverty population of 70.17 million under current standards. In the statistics of the percentage of people who did not take part in physical exercise at the age of 20 and above, the reason of "economic restrictions" accounted for 4.1%, ranking 6 in 11 reasons.

**Ability Condition**

Different from objective conditions such as time condition, space condition and economic condition, people need knowledge and skills for citizens’ fitness and people need to give play to their subjective initiative and creativity. The constitution of citizens’ fitness ability condition mainly includes following contents: (1) development of creativity such as individual learning, ability cultivation, guidance and training; (2) social integration such as healthy mentality and social adaptability, especially social integration of the elder and the disabled.

Based on certain ability condition, citizens should master scientific fitness methods and improve fitness skills through learning and training. According to statistics, there are people accounting for 48% who received physical exercise guidance of people aged 20 and above in China, more from colleagues and friends, accounting for 32.3%; while receiving professional guidance is relatively less. Professional guidance includes the guidance of professional coaches, social sports instructors and others receiving related professional training, accounting for 5.7%, 5.3% and 4.7% respectively. At the same time, we don't pay enough attention to the special fitness ability of women, children, the elder, the disabled, etc. In the supply of fitness programs, fitness equipment, fitness methods, fitness knowledge and skills and other aspects of services and protections, there are many shortcomings and deficiencies, limiting fitness activities to a certain extent.

**Interest Condition**

Fitness requires a subjective will and interest, and needs a recreational mentality, a free personality and a challenging spirit. In addition, the distances from residences to fitness venues not only determine objective factors such as convenience of fitness activities, timely and effective provision of fitness information and unblocked access channel to information, but also have impacts on fitness interest, fitness habit cultivation and fitness hobby realization. A citizen’s interest condition mainly includes following contents: (1) leisure entertainment; (2) freedom; (3) challenge; (4) convenience such as fitness distance; (5) fitness information provision and access.

Citizens’ fitness base on certain interest condition and exist as an independent condition of citizens’ fitness, although it is restricted and affected by time condition, space condition, economic condition and ability condition. If you are not interested, it is difficult to take part in fitness activities, and obtain happiness and health from fitness. According to statistics, in a variety of reasons that groups aged 6 to 19 in China do not participate in physical exercise, "no interest or no love" accounted for 21.4%, second only to "affect study" accounting for 44.2%. In population aged 20 and above, the percentage of people who do not participate in physical exercise because of "no interest" is 11.6%, second only to "no time" accounting for 30.6%. Thus, in different age groups, "no interest" is an important cause for not participating in physical exercise.

**Legal Protection for the Realization of Citizens’ Fitness Conditions**

**Protect Citizens’ Right to Rest According to Law and Implement Laborer’s Right to Rest**

In our country, the legal standard system of citizens' right to rest in China has been established, based on the clause of labor right to rest in Constitution, with the working time and vacation system clause of Labor Law as a principle and taking laws and regulations, Implementation Measures as supplements. However, there is still a big gap in the implementation of the citizens' right to rest system. The function of workers' right to rest has not been effectively played, and the time of citizens’
fitness can’t be guaranteed. Therefore, we should take actions as follows: (1) it is necessary to strengthen the supervision of labor security law enforcement, perfect Labor law and Labor and Social Security Supervision Regulation, etc.; (2) implement working-hour policy, mandatory time rest system for specific jobs and compulsory periodic vacation and establish career oriented flexible vacation system; (3) increase workers’ sense of rest and legal awareness and safeguard their legitimate rights and interests according to law.

**Protect the Health Right of Citizens According to Law, and Actively Promote the Construction and Opening of Fitness Places**

According to law, citizens’ health, safety and fitness environment safety are protected, which provides a good natural and safe environment for citizens’ fitness. Actively promote the construction and opening of fitness places. To solve the problems of construction and utilization of public gymnastic stadiums and gymnasiums, it is necessary to play the role of governments and sports departments at all levels in plan, construction, utilization, management, security and supervision. (1) In order to solve the problems of insufficient resource allocation and operation ability weakness in the construction of public sports venues, the government should pay attention to the construction of public facilities for citizens’ fitness and the government should purchase public services. (2) It is necessary to consider not only the scattered, small scale community groups fitness needs, but also the needs for professional fitness. Adhere to the "nearest, open, convenient" principle, we should strengthen fitness trails, cycling road, leisure square, sports park, and residential multifunctional fitness venues construction, intensify the construction of professional sports facilities, and gradually realize the upgrading of public sports space structure adjustment.[4] (3) Integrate sports fitness venues resources, and change ornamental venues mainly serving large comprehensive sports events into suitable fitness experience venues for citizens. (4) As stadiums open to citizens for fitness is not enough and utilization efficiency is low, it is necessary to make clear of rights and obligations of both parties, strengthen safety supervision responsibilities, properly resolve various contradictions and disputes in the utilization of venues, and improve the openness, activeness and utilization efficiency of public stadiums and gymnasiums.

**Protect Economic Rights of Citizens According to Law and Vigorously Develop Sports Fitness & Leisure Industry**

The country should promote and guarantee the healthy development of sports industry. (1) A special chapter for the sports industry provisions should be emphasized by Law of the People's Republic of China on Physical Culture and Sports amendment, and legal guarantee mechanism of sports industry should be established. (2) Strengthen governments' policy of providing land and tax incentives, establish a healthy investment mechanism through national finance, and guide financial institutions to strengthen responsibilities on financial supports such as credits, bonds, etc. (3) Give full play to the role of market in resources allocation, cultivate sports market, promote the participation of multi governance subjects, the integration of social forces and the stimulation of the vitality of market subjects, [5] increase the supply channels of fitness products and fitness services, and meet the multi-level and diversified citizens’ fitness needs. (4) Promote the benign interaction between citizens’ fitness and sports industry. Citizens’ fitness is the original power of sports industry development, which can effectively promote the development of fitness & leisure industry. The development of sports industry also provides an economic environment and material guarantee to meet citizens' fitness conditions and realize citizens' fitness right. Through the benign interaction between the two, the total scale of sports industry in 2025 will be more than 5 trillion Yuan, and the total scale of fitness & leisure industry will be 3 trillion Yuan.

**Guarantee the Scientific Nature of Fitness and the Participation of the Whole People**

First of all, strengthen the scientific fitness guidance, and improve the level and quality of citizens’ fitness. In order to ensure the scientific nature of fitness, it is necessary to strengthen the professional guidance of citizens’ fitness. Therefore, the state has established the social sports instructor system through Law of the People's Republic of China on Physical Culture and Sports, Regulation on
National Fitness, Measures on Social Sports Instructor Management and other legal norms. But in the further strengthening of the social sports instructor system construction and social sports instructor team expansion at the same time, the administrative department in charge of sports can also strengthen scientific guidance for citizens’ fitness through a variety of ways such as administrative guidance. Secondly, create fitness conditions for special groups, and ensure civic participation of citizens’ fitness. Citizens’ fitness needs to solve the outstanding problems of fitness services and security issues of women, children, the elderly, the disabled, low-income people and other special groups, creating conditions for special groups to carry out fitness activities and realizing civic participation in National Fitness.

**Cultivate Interests in Physical Fitness and Advocate Healthy Lifestyles**

To improve the citizens' participation in sports and fitness, we could start from following ways: (1) Strengthen policy guidance, promote the new concept of health, advocate fitness enthusiasm, and pursue a healthy lifestyle. We could realize the meaning of life and the brave exploration of happiness from fitness to health, and create conditions for the all-round development of individuals. (2) Popularize fitness knowledge, guide fitness methods, propagate fitness effects, release fitness information in multi-channel ways, and establish fitness incentive mechanism. (3) Cultivate citizens' interest in physical exercises, guide citizens a healthy lifestyle, get rid of bad habits affecting health, and develop a lifelong physical exercise habit. (4) Endow fitness with humanized, funny and entertaining characteristics, carry out popular fitness activities, provide rich and colorful fitness activities, and develop national, folk, nongovernment traditional fitness programs.

**Conclusions**

From the contents involved in this paper, we can draw the following conclusions: (1) we should strive to make everyone have equal opportunities to participate in sports and fitness. The governments, enterprises and communities should encourage citizens to exercise, making fitness equal, civilian and national; (2) accelerate coordination of relevant systems between "National Fitness" and "National Health"; (3) provide and create conditions for citizens’ fitness from time, space, economy, ability and interest; (4) strengthen the work of legislation and law enforcement, make fitness right and Fitness Day recognized by Regulation on National Fitness be risen to the provisions of Law of the People's Republic of China on Physical Culture and Sports, define clearly citizens' sports rights through Law of the People's Republic of China on Physical Culture and Sports amendment, enrich the contents of national fitness in Law of the People's Republic of China on Physical Culture and Sports; establish and improve national fitness enforcement and law service mechanisms, prevent and dissolve all kinds of contradictions and disputes in citizens’ fitness activities, protect citizens’ fitness conditions and realize citizens’ fitness rights according to law.

**References**


