

Research on the Principles of Public Participation in the Environmental Protection Law

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Abstract: Public participation is the core content of China's Environmental Protection Law and the fundamental principle for constructing it. The active participation of the general public has maximized environmental protection capabilities. In China, it is necessary to fully leverage the collective efforts and wisdom of the public, improve the formulation and implementation of relevant environmental protection systems and measures, strengthen the overall monitoring and governance of social and environmental issues, and enhance China's environmental governance capabilities as a whole.

Keywords: Environmental Protection Law; Public Participation; Principle Research

1. Introduction

The Environmental Protection Law of China establishes public participation as a fundamental principle. Although this principle has not been established for a long time, it has created a broad public foundation for the smooth implementation of environmental protection, actively encouraged public investment in environmental protection, expanded the scope of application of the Environmental Protection Law, and achieved ideal implementation results. This article provides an in-depth analysis and exploration of the principle of public participation in the Environmental Protection Law, with the aim of providing corresponding suggestions for improving China's environmental protection system.

2. The Significance of the Principle of Public Participation in the Environmental Protection Law

2.1 Safeguarding the Legitimate Rights and Interests of Citizens Themselves

The ecological environment is the foundation of everyone's survival and development, and everyone has the right to enjoy a green, healthy, and suitable environment. The protection and development of the ecological environment are related to people's production and life. So, every citizen has the responsibility and right to maintain and supervise the ecological environment. Through the extensive participation of all sectors of society, ecological and environmental protection will provide strong guarantees for the healthy development of China's environmental protection industry.

2.2 Improve the fairness and Openness of Government Decision-Making and Management

Without active public participation, a country's environmental governance cannot be achieved. Utilizing the legal system to grant the public the right to participate in environmental protection, enabling them to fully exercise their collective power, improve the transparency and openness of the government in environmental protection decision-making and management, and encourage the government to formulate and implement environmental policies according to the public's wishes. Effectively preventing conflicts between the public and the government. Therefore, establishing the principle of public participation in the Environmental Protection Law helps to achieve positive interaction and collaboration between the

government and the public, promote the smooth implementation of China's Environmental Protection Law system, and gain public recognition and support.

3. Main Contents of Public Participation in Environmental Protection

3.1 Public Participation in Environmental Protection and the Right to Environmental Information

Generally speaking, the right to environmental information, also known as the right to know about the environment, is the right of citizens to understand their own environmental conditions, national environmental management, and environmental conditions. The right of citizens to know is not only the basic basis for citizens to participate in environmental activities, but also an essential democratic procedure. In today's rapidly developing world economy, ecological and environmental issues are becoming increasingly severe, and people's attention to environmental protection is also increasing. Therefore, safeguarding citizens' right to environmental protection information and enhancing their environmental awareness are important aspects of environmental protection work. At the international level, the promulgation of relevant laws and regulations gives citizens the right to access environmental information. This can not only enable relevant departments to exercise their powers, but also reduce the cost of environmental management, enable the public to access various environmental information, eliminate information asymmetry, and effectively reduce the losses caused by environmental pollution.

3.2 Public Participation in Environmental Protection: Environmental Participation Rights

The right to environmental participation is an important part of citizens' participation in environmental protection. Participation in environmental legislation refers to the right of the public to intervene in the process of environmental legislation. To ensure the smooth implementation of environmental protection work, it is necessary to ensure that citizens' right to know is given due attention in relevant laws and regulations; The right to participate in environmental decision-making refers to the public's participation in administrative decision-making and processes, as well as the maintenance of public interests. By implementing the power to formulate environmental policies, the public can become not only the executors and beneficiaries of environmental policies, but also the main decision-makers of environmental policies; The exercise of administrative hearing power in environmental aspects means that when the management makes appropriate administrative decisions and expresses their views at the meeting, the parties have the right to participate in the hearing organized by the management, thereby limiting the abuse of power by regulatory agencies.

3.3 Public Participation in Environmental Protection and Environmental Relief Rights

The right to environmental relief is mainly reflected in the right of citizens to file environmental lawsuits for the purpose of public welfare. Public interest litigation aims to protect social public welfare, maintain public welfare, and protect private rights and interests. At present, the public interest environment of a certain country is the most comprehensive worldwide, and its rich development experience has great reference significance for China. For example, in a certain country, if there are no sound laws and regulations to support public behavior, the public will actively take legal measures to protect public interests that are not legally involved. In environmental disputes involving public interests, the public can choose to directly accuse the polluter; On the other hand, the public can also view the government's inaction in environmental protection as a reason for prosecution, treating it as a defendant. In addition, adjustments have been made to the previous method of compensating for litigation costs, shifting from full compensation by the defendant to judges' discretion, reducing the risk of the public bearing high litigation costs.

4. Suggestions for Improving the Principles of Public Participation in the Environmental Protection Law

4.1 Improve the Direction of Environmental Information Disclosure

To better involve the public in environmental protection work, it is necessary to comprehensively and accurately obtain relevant environmental basic data. In order to achieve this goal, Chinese government management departments should actively promote the development of environmental information disclosure in China towards simplicity, comprehensiveness, and universality. Firstly, “simplification” refers to the scientific transformation and processing of a series of monitoring data, enabling the public to better understand the data and evaluation indicators generated during the processing process, avoiding excessive specialization, and thus making China's environmental information disclosure inappropriate. Secondly, it is necessary to strengthen the disclosure of environmental information. That is, to fully disclose basic information and important data on environmental protection. To achieve centralized disclosure of information related to drinking water, irrigation water, farmland irrigation water, etc., it is necessary to ensure timely updates and early warnings of various data information, so that the general public can obtain accurate and comprehensive environmental data at any time and place. Finally, in today's information technology environment, a large amount of monitoring data information is no longer limited to traditional media, government documents, and online platforms. This will provide citizens with a wider range of environmental information, including new media platforms and mobile user development.

4.2 Improve the Standardization and Procedural Level of Public Participation

It is necessary to ensure that the public actively participates in environmental protection work, plays an important role in environmental protection work, and implements institutional measures in a standardized and procedural manner. At present, the most important method is to hold a hearing. Therefore, standardizing the hearing has become an urgent task in promoting the construction of the citizen participation system. Firstly, it is necessary to determine the participants in the hearing and introduce various social units during the hearing process to ensure the neutrality of the participants, thereby ensuring the objectivity and authenticity of the hearing and effectively protecting the interests of the people. Secondly, the applicability of the hearing should be ensured. Encourage third parties to supervise the hearing and avoid using other methods to replace it. Finally, the hearing process should be improved and the opinions of all parties participating in the hearing should be fully recorded. If conditions permit, expert arguments can also be provided. In addition, the conclusions of the hearing will serve as a reliable basis for formulating environmental management policies.

5. Conclusion

In summary, relying solely on specialized institutions or departments to complete environmental protection work not only makes it difficult to achieve social environmental protection goals, but also requires broader social support and public participation. To this end, the national legislative department should actively improve the environmental protection legal system, scientifically formulate and implement the principle of citizen participation, encourage and guide the public to participate in environmental protection and regulatory work, and implement environmental protection regulatory measures in an orderly manner with the cooperation of the government.

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