

Identification of Acts of Justice and Bravery in Emergency Government Management

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Abstract: With the increase of people's sense of social responsibility, it is no longer a minority to act bravely in emergencies, but the protection of the real interests of those who brave for righteousness needs to be strengthened. Examples such as those who are brave for righteousness and hatred become beggars can be seen everywhere. If the interests of those who are righteous and brave are not effectively protected, then there will be a large number of indifferent people in society. Nowadays, government management encourages those who act bravely for justice mainly through praise, compensation and other forms. In a series of policies issued by the local government, only how to compensate for acts of bravery for righteousness is often the only way to recognize the brave acts for righteousness. From the perspective of government governance and the Civil Code, this article analyzes the definition and constitutive elements of the act of acting bravely when confronted with justice, coupled with the follow-up management of the government after emergencies, and through comprehensive governance, the legitimate interests of those who act bravely for justice are guaranteed.

1. Introduction

The sources of emergencies are diverse, including natural disasters such as earthquakes, forest fires, and mudslides, factory production accidents, plagues, infectious diseases and other public health events, as well as mass social events that are extremely harmful. Frequent natural disasters, illegal and criminal acts in daily life threaten the country, social interests, and citizens' personal and property safety. It is far from enough to rely solely on the due diligence of the personnel of specialized state agencies. It often requires the active participation and cooperation of citizens. Public participation is an important supplement to improve the efficiency of the government's emergency management of emergencies, and the government's ex-post compensation and recognition are important means to increase public participation and encourage courageous behavior in emergencies. The state actively encourages this behavior, and the corresponding national and local governments have also issued a series of policies to protect and relieve the rights of those who do justice. For example, Article 61, Paragraph 3 of the Emergency Response Law of the People's Republic of China stipulates that during the period of righteous behaviors such as participation of natural persons in rescue or maintenance of social order, the wages and benefits of

the unit shall remain unchanged, and those with outstanding performance shall be commended and encouraged. These provisions reflect that the government mainly encourages and compensates for acts of righteousness in emergencies from the perspective of public management, but it does not stipulate how to define acts of righteousness and courage. The Civil Code of the People's Republic of China (hereinafter referred to as the "Civil Code") (") stipulates that it is the civil legislation to solve this problem and other related problems, and the qualitative problem of this behavior can be solved well in the perspective of civil law.

2. Definition of Brave Actions in Government Emergency Management

The word "being brave to see what is right" comes from: "The Analects of Confucius: For Politics": "Don't do what is right; you are not brave." When you see what is right, do it bravely. Acts of righteousness and courage refer to the rescue behavior of natural persons in emergency situations for the protection of the interests of the country, society and others without legal or agreed obligations. From the definition, we can find the constituent elements of acting bravely:

First, the subject of brave behavior is a natural person. This act itself is a factual act that does not have an expression of intent, but produces civil legal consequences in accordance with the law. Acts of righteousness and courage do not make too many requirements for the actor's civil capacity. Although it is not appropriate to encourage restricted civil actors or persons with incompetence to perform acts of righteousness and courage, once it occurs, it is still affirmed.[1]

Second, the perpetrator does not have the corresponding statutory or agreed obligation of rescue. This is the prerequisite for judging whether it constitutes an act of righteousness. If the perpetrator of righteousness and courage to act in order to protect the rights and interests of others, he has corresponding obligations. For example, Article 21 of the People's Police Law of the People's Republic of China stipulates the duty of the people's police to rescue in distress situations; another example is in the contract. If a series of rescue obligations are agreed upon in this article, these actors all have statutory or agreed rescue obligations. At this time, this behavior is not justified.

Thirdly, acts performed to protect the civil rights and interests of others. The rescue behavior implemented by the actor is aimed at protecting the interests of the country, society and others. The conduct of legitimate defense, emergency avoidance of dangers to protect one's own interests, and acts of seeking benefits for others while simultaneously carrying one's own interests in uncaused management cannot belong to the acts of righteousness and bravery mentioned here. Fourth, an emergency is a prerequisite, which is dangerous.

In addition, some local laws and regulations stipulate that the determination of righteous acts requires "outstanding performance" [2], for example: Article 3 of the "Chongqing City Encouraging Citizens to Act for Righteousness" stipulates that the determination of righteous acts is to protect the interests of others and does not have specific obligations. Natural persons have performed outstanding behaviors. The author believes that degree words such as "outstanding performance" and "outstanding deeds" should not be used as a requirement for the determination of righteous behavior, but as a consideration when the government uses it for reward.

3. Determining the Act of Bravely Acting for Justice from the Perspective of Civil Law

The government plays an irreplaceable role in the protection of the rights and interests of those who act bravely. Government actions mainly include the confirmation of acts of bravery, rewards and compensations for those who act bravely. [3] The administrative confirmation of acting bravely refers to the specific administrative act in which the administrative subject screens the facts of the actor's bravery, confirms, confirms, proves (or falsifies) and declares it. This administrative confirmation is the basis and prerequisite for subsequent rewards and compensation. By searching

on the Peking University Magic Weapons Database, we can see that 31 provinces, municipalities, and autonomous regions across the country have passed legislation to define acts of righteousness and bravery. For example, Article 9 of the “Regulations on the Reward and Protection of People Who Do Not Want to Be Righteous” stipulates four specific situations and a comprehensive clause to prevent endangering social order, infringing on the interests of others, assisting in detection and hunting, and rescue people. Acting bravely for righteousness is a kind of moral behavior with multiple attributes, which will cause multiple legal relationships.[4]There are diversified forms of acting bravely, including crime prevention, emergency rescue and disaster relief, etc. The interests protected are the national, social and public interests or the interests of others, and they are also diversified. For the nature of acting bravely, there are theories such as the theory of prevention of infringement, the theory of no cause management, the theory of justifiable defense, and the theory of emergency avoidance. [5]My country’s “Civil Code” provides for the courage of justice in Chapter VIII of the Civil Liability of the General Provisions. It is similar to legitimate defense and emergency avoidance in terms of the form of courage of justice and the protection of interests. Therefore, the determination of the behavior of courage can be justified. The constituent elements of defense and emergency avoidance are determined.

From the constituent elements of legitimate defense and emergency avoidance, it can be seen that the infringement prevention type and the rescue and disaster relief type have similarities with legitimate defense and emergency avoidance. Its essence is an act of emergency avoidance or legitimate defense. However, the author believes that there is still a certain difference between acting bravely and justified defense and emergency avoidance. Acting for justice has a unique value of existence and cannot be replaced by emergency avoidance and legitimate defense. [6]First of all, the subjective scope is smaller. In justifiable defense and emergency avoidance, what the actor protects can be the interests of the country, society, or others, or his own interests, while the act of righteousness can only protect the interests of the state, the collective, and others; secondly, , The situation targeted at righteousness is broader. Justified defense can only defend against unlawful infringements, and the courageous action is aimed at all situations that endanger the interests of the country, the collective, and others, including but not limited to infringements; [7] In the end, the legislators have different intentions. The purpose of legislators to formulate legitimate defense and emergency avoidance is to clarify the legitimacy of the behavior performed by the perpetrator, thereby reducing or eliminating his responsibility, and the legislative spirit embodied in the act of justice is mainly to protect those who act bravely and act bravely. [8]

4. Government Follow-Up Management of Emergencies

After an emergency occurs, government emergency management includes information disclosure, emergency decision-making, handling coordination, and aftermath handling. The effective follow-up by the government is a key step to encourage citizens to continue to actively participate in the rescue. There may be subjects such as the rescuer, the rescued person, the person who caused the danger, and the third person in the act of acting bravely. How to bear the responsibility for the damage caused by different subjects needs to be discussed in classification. Infringement-stopping acts of righteousness, such as in the prevention of riots, the rescuer may cause damage to the rioters in order to protect the person’s personal and property interests of the rescued; in the rescue and rescue of people’s righteousness, there may also be damage to a third person. Interests. There is no clear stipulation in the law of our country for the responsibility for the damage caused by righteous action. The author believes that the infringement-prevention type and the rescue and disaster rescue can apply the provisions of legitimate defense and emergency avoidance to solve the problem of responsibility.

For infringement and restraint-type acts of righteousness, it is necessary to consider whether it is an over-defense. If it is not an over-defense, there is no need to talk about the issue of responsibility. If there is an excessive situation, you can bear appropriate civil liability for damage caused by improper defense in accordance with Article 181, paragraph 2 of the “Civil Code”. In the act of infringement and restraint, the offender is often at fault. Therefore, those who act bravely cannot bear full responsibility. “ For emergency rescue and disaster relief, it is necessary to apply the danger caused by natural causes and the danger caused by man-made separately. For the danger caused by natural causes, the courageous act of righteousness and the act of courage to act for the actor itself is for the purpose of causing damage to a third party. The relief act made when the interests of others are protected from loss is not at fault. Therefore, it is inappropriate for a third party to request responsibility for the act of justice. According to Article 11, 2 of the “Emergency Response Law of the People's Republic of China” The clause stipulates that citizens, legal persons, and other organizations have the obligation to participate in emergency response work. Citizens here refer to the citizens of the place where the emergency occurs should cooperate with the emergency response measures taken by the people’s government, actively participate in emergency rescue work, and assist in maintenance Social order. Therefore, in the danger caused by natural causes, the act of righteousness cannot become the beneficiary. At this time, the fair responsibilities that the hedging person may have to bear as the beneficiary in emergency hedging cannot be applied. For the hedging caused by the danger caused by man-made reasons As a result, most of the righteous actions in the infringement prevention type are made against illegal and criminal acts. Therefore, there is a clear cause of danger. At this time, the third party who is infringed should request the person who caused the danger to take responsibility.

5. Conclusion

The main function of the government in responding to emergencies is the need to bear the responsibility for compensation afterwards. For example, Article 45 of the “Emergency Response Regulations of Hebei Province” stipulates that the government requires the unit to maintain the same wages and benefits for those who do justice to the perpetrators. Give subsidies. However, the prerequisite for compensation is to define courageous actions. In my country’s existing legal system, only the “Civil Code” has clear rules for the definition of courageous actions. Therefore, when the government implements the function of ex post compensation in the emergency management of emergencies, The rules of the civil law can be introduced to protect the rights and interests of those who do what is right, and promote the better realization of public participation in resolving crises.

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