The Challenges Faced by China's Energy Law under the Background of Ecological Civilization Construction and Its Reflections

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Abstract: As the world's second largest energy producer and consumer, China's energy security issue is a major strategic issue related to national security. Therefore, energy security is a core value that energy law must consider. China's current new economic normal is essentially economic development. It bids farewell to the extensive high-speed growth stage and enters a stage of high efficiency, low cost and sustainable medium and high growth. To achieve this goal, we must change the way of economic development and accelerate the construction of ecological civilization. To some extent, the ecological problems that exist in human society today are caused by unreasonable production methods.

1. Introduction

The basic contradiction of the capitalist mode of production determines that it cannot ultimately solve the ecological problem. Engels once pointed out that the individual capitalists who dominate production and exchange can only care about the most direct beneficial effects of their actions. Ecological civilization is the result of profound reflection on industrial civilization and its active sublation. Western countries have gone through a “first pollution, then governance” road, and the practice proves that this road is extremely harmful to ecology and society.

The Fifth Plenary Session of the 18th CPC Central Committee put forward five development concepts of “innovation, coordination, green, openness, and sharing”. Green development is an important part of the five development concepts for China's economic construction, political construction, cultural construction, social construction, and ecological construction. The “five in one” general layout provides development ideas, development directions and development focus. The concept of green development is the inheritance and development of the Marxist concept of development. It not only emphasizes respecting the objective laws of social development, but also exerts the great role of the people in social development. At the same time, it focuses on promoting economic construction and ecological civilization from the perspective of green development. Building a coordinated development to open up new ideas and provide new paths. The experience of economic construction and ecological civilization construction shows that economic development and ecological civilization construction are not contradictory. “The change of environment and the consistency of human activities can only be regarded as and is reasonably understood as the practice of change”. Therefore, only with the guidance of the green development concept, correctly understand the new problems that have emerged in the process of promoting green development, and establish the concept of ecological resources of “Green Water Qingshang is Jinshan Yinshan” and the economic development concept of “protecting the environment is to protect productivity” while taking into account the development of the economic and ecological civilization, leading economic development into a new normal.

People's attention to issues such as ecological environment and sustainable development strategy makes energy security no longer a pure energy supply problem, but also incorporates the connotation of energy use safety. In other words, we can't just limit the connotation of energy security to the traditional concept of energy supply security. We should establish a big concept of energy security, that is, energy security includes not only energy supply security, but also energy

production and use. The resulting pollution of environmental pollution, that is, the increase in energy use safety, energy security is an organic unity of energy supply security and energy use safety. For energy supply security, the stability of energy supply refers to the continuity and stability of energy supply security that meets the normal needs of the country for survival and development. An efficient energy market, a safe investment environment and an undistorted pricing system are essential elements of energy supply security. The safe use of energy means that the consumption and use of energy should not pose any threat to the environment of human survival and development.

2. The Proposed Methodology

2.1 The status quo and challenges of the Energy Law

Energy security is not only related to the country's economic security, but also to the country's military, social and political security. It is an important part of the entire national security system. Associated with the connotation of energy security, the factors that threaten energy security are mainly reflected in energy supply and energy use.

The order of energy resources exploration and development needs to be further regulated, and the energy supervision system needs to be improved. There are many safety accounts in coal mine production, the power grid structure is not reasonable enough, the oil reserve capacity is insufficient, and the early warning and emergency response system for effectively responding to energy supply interruptions and major emergencies needs to be further improved and strengthened. In addition, China's energy resources are constrained and energy efficiency is low. China's high-quality energy resources are relatively insufficient, which restricts the improvement of supply capacity. The uneven distribution of energy resources has also increased the difficulty of sustained and stable supply. The extensive economic growth mode, the irrational energy structure, the low level of energy technology and equipment, and the relatively backward management level have resulted in higher energy consumption per unit of GDP and energy consumption of major energy-consuming products than the average national level of major energy consumption, further exacerbating energy supply and demand contradiction. It is difficult to meet the growing consumer demand simply by increasing energy supply.

The development path of ecological civilization with Chinese characteristics is the road of ecological beauty, beautification and beautiful life, ecological beauty, production beautification, and beautiful life are the basic connotations of the development path of ecological civilization with Chinese characteristics. First, the ecological beauty. The ecology here is the abbreviation of resources, environment and ecology. All three are natural factors that affect human survival and development, providing raw materials and good production and living environment for human production and life. To build a green ecology, we can achieve ecological beauty. To achieve ecological beauty, we must save resources, protect the environment, and restore the ecology, that is, build a resource-saving, environment-friendly, and ecologically sound society. The second is the landscaping of production. Production here refers only to the production of material wealth. Production beautification is the production of green, low-carbon, and recycling. It is to integrate ecological civilization into all aspects of production and development, implement clean production, energy conservation and emission reduction, and minimize resource and environmental consumption. The third is that life is beautiful. Life mainly involves clothing, food, housing, travel, and travel, including material life, cultural life, and social life. To cultivate a green life, we can achieve a better life and achieve a better life. We must promote the mainstream values of ecological civilization and establish an ecological and cultural concept. Advocate green living, green travel, and green consumption, pursue the balance between material life and spiritual life, and ensure social harmony through social construction.

In order to adapt to the new normal of the economy and make it enter a more healthy and sustainable development track, China's economic development urgently needs to be guided by new

development concepts. As a new development concept, green development is based on rational consumption, low emissions, low consumption, and increasing ecological capital. It is the fundamental goal of creating green wealth and increasing human green welfare. Going green the road of development no longer pursues rapid economic growth, but instead focuses on optimizing and upgrading the industrial structure and accelerating the optimal allocation of resources. The transformation of economic development from factors, investment-driven to innovation-driven, opens up new avenues for the economy to enter a new normal.

2.2 Legal Measures to Ensure China's Energy Security

Throughout the energy legislation of countries since the two oil crises in the 1970s, energy security is the primary consideration in the formulation of energy laws. Improving and perfecting the energy legal system is a common practice for many countries to ensure energy security. For example, “The Energy Act of 1998 adopted by the German Bundestag lists “energy supply security” and “cheap energy” and “environmental compatibility” as the three main purposes of the energy law, according to Section 1, Section 16. Energy facilities must be constructed and operated in a way that ensures their technical security. When not biased against other legal provisions, generally accepted technical rules must be followed." This is especially true in my country. The establishment and improvement of the energy legal system is the basis for ensuring energy security and should be the most powerful institutional support for ensuring China's energy security. The comprehensive Energy Law is the pillar of the energy security legal system. The Law should arrange and make regulations around the goal of ensuring energy security. Regrettably, China's energy security still lacks legal protection at the level of the Basic Law. Due to various reasons, the Energy Law, which is the basic law of China's energy, has long been absent, and the energy legal system is still not perfect, which makes China lack of institutional basis and legal guarantee for energy security and oil reserves, which is undoubtedly harmful to China's energy security.

The energy reserve includes energy product reserves and energy resource reserves. The former includes oil, natural gas, natural uranium products, etc. The latter includes resources such as oil, natural gas, and natural uranium, special and rare coal. The energy product reserve is divided into government reserves and corporate obligation reserves. When the national energy product reserve needs to be used, the national energy authority and the competent financial department shall make recommendations for use and use it after approval by the State Council. In addition, the provincial people's government can also establish government reserves of energy products in the region as needed. The main function of government reserves is to prevent and reduce the impact of events such as energy supply disruptions and large price fluctuations, and to ensure stable supply. The enterprise reserve is the amount of storage that the enterprise must have in fulfilling its social obligations and responsibilities in accordance with relevant regulations on the basis of the normal turnover inventory that matches the production scale. Its main function is to stabilize market prices and stabilize market volatility. According to the experience of countries such as the United States and Japan, it takes at least 10 years for the strategic reserve of energy (mainly oil) to start to function. Therefore, paying close attention to the establishment of China's energy reserve system can reduce the economic cost due to the uncertainty of international energy prices, and is conducive to China's active position in international politics and economic activities. Since energy reserves, as a long-term work, must be incorporated into the legal system, the Energy Reserve Law should be formulated and promulgated, and the reserve targets, the respective responsibilities of government and enterprises, management institutions, operational rules, storage locations, and financing should be clarified.

Under the new economic normal, China's economy has changed from high-speed growth to medium-high-speed growth. In the past, the extensive growth model that relied on high pollution and high consumption will gradually be eliminated. Correspondingly, with the development of green as the theme, the green economy growth model supported by production factors such as science and technology, information and management has highlighted a huge advantage in the fierce market competition. The concept of green development has pointed out the direction for the

sustainable development of China's economy. By relying on the extensive growth model of resource consumption, at the expense of the local ecological environment, the development mode of attracting high-pollution and high-energy enterprises with favorable conditions will be restricted. At this stage, the elimination of high-pollution, high-energy enterprises have provided new opportunities for local governments to transform their local economic development patterns. Green development is a sublation of the black industrial civilization. This advanced economic development concept is a profound revolution carried out by mankind for self-salvation. In this process, the speed of economic development has changed from high speed to medium-high speed. It is reasonable in terms of China's current national conditions and is an inevitable choice after summarizing the positive and negative experiences of economic development in Western industrialized countries.

2.3 Social Ecological Civilization Construction

Different from the traditional economic development model driven by factor-driven and investment-driven, the green development path is more focused on innovation drive. First of all, the emergence of the Internet platform, especially the rapid development of the emerging economy characterized by “Internet +”, has led to the combination of virtual platforms with Internet as the carrier and traditional industries, generating huge production capacity. These emerging economic development models are the inevitable choice of the green development path. Taking the road of green development not only makes the social resources fully exploited and utilized, but more importantly, it injects new vitality into economic development. Second, green and low-carbon development and innovative economic development. Taking the road of green development. Fundamentally speaking, it is the road to innovation and the source of power for transforming economic development. For enterprises, the introduction of advanced technology, the development of driving force, and the enhancement of environmental awareness are not only the navigation standards for enterprises to lead the industry, but also the magic weapon for invincible in the context of increasing environmental protection requirements. Such production methods will it is the fundamental source of power for economic development.

Under the new normal, the government must not only decentralize power but also fully exercise its macro-control role, which also ensures the correct direction for accelerating the construction of ecological civilization. The construction of ecological civilization has its own characteristics: First, the collective nature, that is, the construction of a good ecological environment requires the collective efforts of the collective, and even the joint efforts of the whole society or the whole world, one person or one enterprise cannot build a good ecological environment. The second is long-term, that is, the construction of a good ecological environment is a long-term continuous work. It is difficult to have good effects in the short term and needs to operate continuously. The third is public welfare, that is, a good ecological environment is a public wealth that everyone enjoys together and individuals cannot monopolize. The characteristics of ecological civilization construction determine that individual enterprises cannot shoulder the heavy responsibility of building ecological civilization alone, because enterprises are often more willing to obtain immediate benefits without considering the long-term benefits of society. Therefore, to strengthen the construction of ecological civilization, we must give full play to the government's governance role and compensate for market failures through effective government governance.

The implementation of the energy-saving target responsibility system and the evaluation system has actually established a bureaucratic energy-saving supervision model, which means that the local government responsible for energy-saving work has established a system of overall responsibility, which is characterized by energy-saving work and local government personnel assessment. The evaluation system is linked to the purpose of establishing a government-led and providing strong political momentum for promoting local governments to carry out energy conservation work. In contrast, the market-based system of energy conservation and emission reduction is to fully give energy-saving enterprises (or other units) autonomy and give play to the decisive role of the market in resource allocation.

3. Conclusion

In view of the coexistence of energy-saving target responsibility system and assessment system and market-oriented mechanism in energy and environmental governance, some scholars pointed out that between the energy-saving work pressure system and the market-oriented system, which are constructed with the energy-saving target responsibility system and the evaluation system tension more obvious, there is incentive incompatibility, alternative embodiment, the form of participation and other defects, short-term and the long-term system performance problems such as inconsistent. However, the current Energy Conservation Law lacks institutional arrangements for conflicts that may arise between the two in the implementation process.

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