

Paradigm Study on the Rule of Law of Community Emergency Management in Major Emergencies

—Taking public health crisis as an example

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Abstract: The community is a major emergency occurs in the forefront of feedback and disposal of the organization, it forms the basis of the emergency rule of law. Community emergency management in the context of the rule of law places more emphasis on perfect emergency preparedness, complete emergency measures, efficient response modes and inclusive emergency results. The community emergency management guided by the rule of law paradigm should be regulated in a diversified way. The rule-of-law approach to community emergency management during public health crises is mainly from the details of authorizing community emergency rule-of-law management regulations, strengthening disaster reports, strengthening community residents' participation, and practicing community emergency management mechanisms in advance.

Today's society is changing, with a wide range of sources of social risks, diverse and destructive, showing the new characteristics of the risk of being transformed into a global risk, accessibility to the whole society, and the threat of multiple crises caused by a single crisis. Among them, a public health crisis, the public interest suffered heavy losses, had resorted to force the whole country to deal with public health crises, from two 003 -year SARS, two 006 -year bird was 2 011 years of influenza H 1N1 flu, then 2 020 new coronavirus pneumonia epidemic years, public health crisis to enable people to downtime, isolated life in history. In 2 020 when Chinese novel coronavirus control outbreaks of pneumonia in early and efficient governance community emergency rule is the Chinese people to win a solid reserve forces in this fight against SARS battle . Different from the administrative emergency rule of law emphasized in the past, the community emergency rule of law emphasizes a bottom-up management attribute, and risk governance calls for a new community governance model.

1. The realistic foundation of community emergency management

(1) The quartile structure from the central to the local

China from the central to local "country - Province - City - County," the four layers of administrative structure, the citizens' political and social life organically combine to form a society capable of concentrating power structure and social atmosphere. Once a public health crisis occurs , it is precisely under the orderly division of the four-tier structure that it becomes a major emergency that can be controlled and responded to in a timely manner. However, this structure is a top-down response model, which requires the national level to quickly respond to the emergence of public health crises and notify the townships and communities layer by layer in order to respond effectively. In this response mode, the community is the grassroots executor and effective supervisor of the public health crisis, and the first discoverer and timely controller of the grassroots public health crisis. The emergency management of the community embodies a positive response from the bottom up, and it is a powerful method that can be adopted by the most basic organizational structure.

The four-tier administrative structure of “country-province-city-county” in my country plays a role and does not affect the implementation and operation of community emergency management. The social nature of mankind calls for the establishment of a social community, which in turn will provide blessing for humanity. The most basic social community is the family, followed by the community to which humans belong. The community is the most closely connected social community outside the family. Because it encompasses the government, enterprises, institutions, associations and unions, it becomes a direct stakeholder that people rely on in various emergencies. The management and service behaviors of the community system in response to emergencies are closely related to the lives and property of the individuals living in the community, which further affects the safety and stability of society in public health crises. Therefore, as the most basic social management system, the community conducts research from the aspects of early warning, prevention, treatment and feedback of public health crises, explores its response methods and response paths, and starts to improve its emergency management level, which has a very strong reality. Significance.

(2) Effective response to emergencies

The emergency management caused by the public health crisis itself has the characteristics of sudden emergency, public interest-related and significant. The emergency management required under the public health crisis has the following characteristics.

First, timely and effective control. Public health crisis in a certain area affecting a wide range of strong harm, and the public health crisis cases have involved susceptible to infection, traceability difficult, difficult to control features, so if you can not in the adoption of effective measures to control the initial public health crisis, the situation will Evolution in a direction that is more difficult to control.

The second is emergency prevention and determination. During the public health crisis, the incident happened suddenly, the situation was urgent, and the information was not fully grasped, so that the managers needed to make a quick decision, simplify the approval, and execute it immediately. Such emergency control requirements are unconventional management and control requirements in emergency situations, and have higher risks and greater difficulties.

The third is comprehensive scheduling operation. Everyone is not an island, but an individual with countless connections to the entire society. Under different connections and needs, emergency management under the public health crisis involves the scheduling of resources in multiple fields, multiple industries, and at various levels. It also requires urgent cooperation in integrating resources and assistance from all parties. Therefore, emergency management in public health crisis requires emergency managers to have strong risk control and integration capabilities.

The above characteristics require that the grassroots emergency management organization should have timely control, basic decisiveness and comprehensive dispatching and operation capabilities. Communities have unique strengths and resources in the operation and management of public health crises.

(3) Overall planning of community emergency management capabilities

Putting the vision under the community community, community emergency response capacity refers to a series of mitigation, preparation, disposal, and recovery measures adopted by community organizations and institutions, enterprises, social organizations, families, and individuals in the region in order to face emergencies Time, the ability to protect the public interest and individual safety. Improving community emergency response capabilities is not only about improving the emergency response capabilities of the "community neighborhood committee", but also the overall improvement of all emergency management participants in the community community unit to respond to public emergencies. The community's emergency response capabilities include the following: First, the emergency preparedness capability before the incident, including the ability of various organizations to identify hidden dangers, emergency support, early warning and monitoring, and personal ability to identify hazards. Second, the ability of emergency handling during the incident. Including various organizations to formulate plans, emergency evacuation, rapid response, emergency decision-making and command, the actual combat skills of emergency teams, etc., as

well as personal emergency risk avoidance self-help mutual rescue capabilities. Third, the ability to recover after the event. Resilience includes three parts: the recovery of damaged "things", the recovery of injured "people", and the perfection of a "system" that has tested defects.

Communities can meet the needs of timely regulation, unified planning, comprehensive dispatching operation, and effective control in major emergencies, and they have a basic priority that is close to the people under the four-quarter administrative structure in China. Therefore, communities are involved in major emergencies. The rule of law needs to have a strong practical foundation.

2. The community emergency management process management relies

Community emergency management is, in fact, a process in which the public power of the society is temporarily authorized to carry out crisis management in an emergency. The generation and operation of social public power has its unique historical evolution and value attribution. From the process of the emergence, development, rise, and value pursuit of social public power, we can draw the legal basis and development direction of community emergency rule of law in public health crisis.

(1) Generation of social public power

Hayek used "society" to describe the spontaneously generated order from bottom to top in human society to distinguish it from the organization produced by the state. "When we talk about 'social power' or 'social structure' (such as language and customs, or rights that are gradually recognized as opposed to specifically granted rights), we still use the word in its original meaning and its purpose. It's to show that these things are not the product of a certain individual's will, but are the result of the accidental behavior of countless individuals and generations." [1]. In other words, society is the spontaneous product of human society, but it does not come from the will of the individual, but is the general practice and deliberate setting of human society.

Social public power, in fact, arises from the consideration of members for their long-term interests, and transfers some of their rights to the social public power organization. The society organizes this transferred right to form a public power nature, but it is different from the authority of state power like state - social public power therefrom and produce. Therefore, the community's power over the management and service of the residents derives from the historical origin of the transfer of every resident in the society. After bringing together the attributes of public power, the community should, with the support of the public power of the state and the support of citizens, take on the role of the first vanguard of the public health crisis.

(2) The historical evolution of social public power

As mentioned earlier, social public power is the same as other public powers in human society, and it stems from the unanimous consent of the members of the human community, not the endowment of any highest authority. "They are absolute to the management and jurisdiction of members. They do not rely on any reason for concession or authorization, but rely on the combined strength of all members of the society and the force of force that surpasses the individual. "The essence of social public power is in fact it is the overall distribution of public power within a social organization to certain social resources. Specifically, it is formed in the possession, distribution, and use of other types of resources outside the national monopoly by the organization of public power. The representation of public power. The public power of society is precisely and by virtue of the competing and complementary forces formed by the possession of a political state, under certain material conditions, the organization and operation of various non-state forces in the course of social operation is a useful supplement to the state power.

The reason why social public power is different from state public power is because its scope of resource allocation is different from that of state public power. The distinction between social public power and social private power is due to the differences in service targets of the two. Social private rights serve the private interests of citizens, which is the inevitable pursuit of civil society; social public power confirms, occupies, distributes and uses some public rights and interests, and functions within a certain geographic area, a certain industry field or purpose, Is to follow the

overall social interests.

(3) Value follow

The essential property of the operation of social public power under the public emergency rule of law is democracy, and the primary value goal that the social public power should follow is democracy, followed by the pursuit of stability in order under the state of emergency rule of law, and finally it should guarantee a fair result and should emphasize form fair.

Democracy is the essential manifestation of the operation of social public power. Even in special periods, democracy is the primary value of social public power organization to follow. "Freedom can only be restricted for freedom itself." If the rule of law under the new coronary pneumonia epidemic abandons democracy, then it will no longer be the guarantee of democracy and freedom, but the rule of law under the shell. In the theory of constitutional government, the companionship of power and democracy is the eternal pursuit of the rule of law and the guarantee of the healthy operation of power. The operation of public power requires the assistance of democracy, as does the operation of social public power. Social public power has been accompanied by democracy since its creation and development. In the context of public emergency rule of law, we should also pay attention to its public power attribute and earnestly pursue democratic values.

Order is the second value pursued by the public power under the public emergency law. When a special event occurs in a country, ordering the whole country to work for the same goal, order is a very important value. During the period of public emergency rule of law, the incident happened suddenly, and the time required for the state to respond is very urgent. In some places, inappropriate, unreasonable, and illegal social public power operations may occur. However, everything should be given priority to the overall situation, because the lives, health, safety and order of hundreds of millions of people in front of the epidemic are the same level of value, which is much higher than the temporary damage suffered by a single subject, and is also much higher than the individual's temporary right to freedom. It should be implemented with order as the primary goal. Relief is needed if the social public power is excessively exercised. This article will discuss it in the third part.

Fair value is a very important value for the operation of social public power under the public emergency rule of law. The operation of social public power is related to people's livelihood. In the context of public emergency law, we should pay more attention to fairness. In the case of public emergency, fairness is the first form of fairness. In the public emergency rule of law, formal fairness should be the first to be respected-formal fairness is conducive to quantification, convenient and efficient, and can better perform its duties. If, in an emergency, it is required that social power organizations strictly serve the masses, manage the masses, distribute tasks, and distribute food in accordance with the essence of substantive fairness, it will be detrimental to the protection of the general interests of the masses. Of course, formal fairness is mainly followed, and substantive fairness should be supplemented as necessary. When the social public power organization encounters the form of fairness or may cause excessive differences, it should enable a mechanism of substantial fairness and record it as a basis for future operations and verification.

3. Analysis of the current situation of community emergency management

The community has a basic and comprehensive position in responding to public health crises. In operation, the community has shown that the community has insufficient power to obtain authorization through law, the emergency management plan is not scientific, the community residents have low participation, and community emergency management the characteristic of the running mechanism is not smooth.

(1) The community has insufficient power to obtain authorization through law

Although my country's national defense disaster mitigation risk management system has been formed and confirmed by legislation, my country's legal system for responding to emergencies is still insufficient, especially in terms of community-level crisis response. The Emergency Response Law of the People's Republic of China has established an emergency response system in our country, but it stipulates the principles of emergency management and lacks community-level

operational regulations and requirements. The Emergency Response Law of the People's Republic of China only stipulates the general publicity activities of residents' committees and villagers' committees, organizes emergency drills, establishes an information reporter system, conducts publicity mobilization, organizes the masses to carry out self-help and mutual rescue, and helps maintain social order. Duties. Refined to departmental regulations and local laws and regulations, the implementation of the "Emergency Response Law of the People's Republic of China" or the emergency response regulations of various provinces and municipalities in various regions also lack institutional regulations for community emergency management [2].

In addition, in China's existing major incident handling system, especially in local regulations and local government regulations promulgated and implemented by the localities, the enacting subjects do not pay enough attention to the functional status of the community in the emergency rule of law, the governance functions, obligations, and concepts in the emergency rule of law are indeed stipulated. The functional institutions, functional mechanisms, and plan systems of the community emergency rule of law are still inadequate. The community's functions in the prevention, control, regulation, and feedback of public health crises have not been reflected. Such general and incomplete regulations will result in the lack of response identification, insufficient response planning and lack of response capacity of the community in the public health crisis.

(2) The plan for community emergency management is not scientific

Although emergency rule plan popularized been renowned for their success, but contingency plans for various regions showing homology, homogeneous, homogeneity tendency. Different levels of government departments, district, community and so set up an emergency response management plan, but crossover phenomenon of emergency rule regulations at all levels is very serious, often not prescribed level under the provisions of a refined, and is Simply copy it . The overlapping of contents is serious, which directly affects the original intention of the establishment of the emergency rule of law plan, making the entire emergency management system lacking systemicness and integrity.

(3) Low participation of community residents in the emergency rule of law

The regulations of emergency management formulated by local governments often pay too much attention to the planning and application of national public power, emphasizing the responsibilities and obligations of governments at all levels and emergency management committees, and neglecting the role of community-based public power. As for the implementation of community emergency management, the role of community residents is still to obey management, obey deployment, and unconditional cooperation, and there are few emergency management regulations that take community residents as the main body of participation. The role of the community's grassroots emergency management is inseparable from community residents' upholding the concept of ownership and actively participating in the emergency management process. If its status is merely "obedience", "cooperation", and "obedience", it will adversely affect the enthusiasm of the public power to unite the residents and villagers of the community.

(4) The operation mechanism of community emergency management is not smooth

Since 2 003 Nian S ARS outbreak since most communities and other basic units have established a community emergency management program , but widespread community emergency management plans targeted, practical feasibility is not strong phenomenon. The concept of risk management regulations in the emergency management plan is backward, and it needs to be supported by the government, and the phenomenon of public self-help and mutual rescue in the community is missing; the organizational structure is not perfect, and the operating mechanism is not coordinated and smooth. What is more noteworthy is that many community emergency management programs lack proper evaluation programs and implementation rules, which will undoubtedly affect the execution and effectiveness of community emergency management, resulting in emergent emergency management that is difficult to operate and implement.

4. The community emergency management rule of law multidimensional normative path

Community Emergency Management pioneering role in the public health crisis has been very

good to play, non-governmental social organization is the key "government - - social individual" three positive interaction, influence the level of trust of the three co-crisis the realization of governance. The problems exposed in the aforementioned community emergency management should be regulated in a diversified way. The rule- of- law approach to community emergency management during public health crises is mainly from the details of authorizing community emergency rule-of-law management regulations, strengthening disaster reports, strengthening community residents' participation, and practicing community emergency management mechanisms in advance.

(1) Refine the regulations of the authorized community emergency rule of law

When refining the authorized community emergency rule of law management regulations, we should follow the preposition of "risk identification-vulnerability analysis-capability assessment" and comprehensively evaluate the corresponding community emergency rule of law governance regulations. First, the risk identification aspect, the specific risks faced by different regions are not the same, for example, different eastern coastal areas and western inland regions, different urban and rural areas, different industrial city and commercial city, and so on ; the second, in fragile analysis aspects , weaknesses also vary in different regions, the concentration of population and industrial concentration, the economic base of reliability are not the same ; third, the ability to assess aspects of each community emergency response capabilities differ with the government's emergency law There are differences in capabilities , such as financial strength, resource investment, system construction, organizational development, coping experience, and community culture. These three aspects are interrelated and progress step by step. Based on the establishment of a good risk identification standard and vulnerability analysis, we should comprehensively consider the premise of the community's emergency rule of law.

In the process of formulating community emergency rule of law management regulations, the efficiency of the implementation of management regulations should be improved to reduce the personal and property losses of community residents caused by the public health crisis, control the situation as soon as possible, and restore order as much as possible . Communities engaged in the emergency rule of law in emergencies should mobilize community resources to the greatest extent possible based on risk assessments and the reality of the community, and do a good job in public health crisis monitoring, early warning, handling, and feedback. The refined community emergency rule of law management can effectively play the role of community advancement and emergency disposal, can better reflect the continuity of community business management, can improve the emergency response capacity and disposal efficiency, and reduce the impact of the accident and shorten the community's recovery cycle. In the long run, community emergency provisions of the rule of law will help refine the master community disaster prevention experience in emergency communications, communication, coping, education, monitoring and prevention tools and other aspects of the use of standardized procedures, give full play to community emergency rule in the proper role.

(2) Implement quick report of disaster situation

As the main user of public power, the community has the clearest and most in-depth knowledge of the community. In public health the event of a crisis, higher levels of government, community residents are extremely communities need appropriate prevention and control of information, and this information is precisely communities in the emergency management information and contacts to organize. Therefore, in terms of reporting to higher-level governments, each community under the grid management model should first report to the higher level when an emergency occurs in the grid area involved. Meanwhile, in the range of energy released, the community should be on the disposition of the progress made in the community, and residents can participate in a range of further measures to be taken to be announced to the public community .

(3) Strengthen participation of community residents

Cultivate the general trust of the people and give play to the basic role of the people in emergency management. The first is to increase the moral education of integrity, promote the spirit of integrity, and strengthen the construction of social integrity culture; the second is to establish and

improve the social credit system, strengthen law enforcement, and maintain credit relationships.

Strengthen the construction of comprehensive emergency response teams in street communities. Streets should be integrated rescue personnel with specialized knowledge and experience, such as police officers, medical personnel, the militia and reserve personnel, property security, volunteers, establish a comprehensive emergency rescue team, equipped with emergency person staff, and equipment. The community should also establish its own service and management team to fully involve the residents of the community. Because of their familiarity with the community environment, when a public health crisis occurs, community workers can register, investigate, visit, and isolate in the first place. When the professional medical team arrives, the community team should do a good job of auxiliary medical assistance.

(4) Advance exercise emergency management community legal mechanism

In the process of the community's usual management and governance, we should also fully consider the emergency situation in the state of emergency, and prepare the response measures in advance in order to be truly prepared.

First, the community's early warning and analysis mechanism for public health crises should be strengthened to ensure that they can identify and adopt the correct response strategies in a timely manner when they encounter public health crises. Normally, the community's potential for responding to public health crises should be fully evaluated and simulated, and emergency response measures for public health crises should be effectively arranged. Secondly, it should be in the general time period to strengthen emergency drills. Divide the major emergencies of the drill into different types, and conduct typed drills and practices. Third, we should strengthen the learning and propaganda of the rule of law. In the process of rule of law in community emergency management, we must adopt a correct, proper, and non-intrusive way to safeguard the rights of the people in the community. If the interests of the people are harmed in the course of responding to the public health crisis, the violations should be stopped in a timely manner, the obstacles should be eliminated, and the losses of the people should be reduced. Fourth, the rule of law supervision should be introduced in the process of community emergency management. Losing the power of the cage will become a evil tiger, especially when public power involves the interests of the broad masses of the people. Therefore, higher levels of government should be strengthened for the community to guide emergency response, consider setting up a dedicated community people all the internal oversight.

3. Conclusion

The basic role of the community in the public health crisis deserves to be cherished by the society. Its high-efficiency, rapid, and timely work level in the prevention and control of new-type coronary pneumonia has allowed the public to control public power in major emergencies. Has a completely new understanding of its role and status. Further paradigm planning for community emergency rule of law requires further in-depth research by academia.

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