

## **Shaanxi: legal guarantee for safe community construction**

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**Abstract:** The construction of safe community is very important in the emergency public safety event, is the key to discover and deal with the event in time, is the people's life and property security. Constructing a scientific and international standard safe community needs legal governance mechanism, and this kind of governance mechanism needs to be long-term and scientific. Taking Shaanxi as an example, this paper analyzes the existing problems from the perspective of legal governance, drawing lessons from western experience and the current situation of regional safe community construction, and puts forward targeted legal governance mechanism and feasible measures to provide theoretical and practical basis for the construction of safe community.

### **1. Importance of Safe Community Construction in Shaanxi Regional Public Security Construction**

In 1975, Slow City of Sweden implemented the community safety plan, community safety incidents decreased by 30% after more than 2 years; in 1989, WHO MEETINGS (World Health Organization) issued the Declaration on Community Safety, advocating and promoting "safety, health, culture" community management concepts; under the promotion of WHO and governments of various countries, safe communities have been expanded from Europe to the Americas and Asia, and Thailand, Vietnam and China are also actively promoting international safe communities; in 2004, China determined the idea of "pilot first, promote gradually", selected 6 cities for the pilot work, included the safe community construction in the "Eleventh Five-Year" Plan of the State on Production Safety "in 2005, formulated the" Measures for the Administration of Safe Community Assessment "in 2007, named 21 safe communities, and reached 91 safe communities by 2015; and started the safe community construction nationwide, promoted the construction of safe community institutions, formulated standards and measurement indexes for the construction of safe communities, implemented many community safety construction projects, and were able to summarize and promote experience. [1]

The construction of safe community in Shaanxi Province is a microcosm of the construction of safe community in the whole country. Good progress has been made in urbanization. Under the background of economic development and the situation of social public security, the safe community concerns the safeguard of the masses' life and property safety, meanwhile it is a severe test for the government's administration function and also a measurement index of promoting the social harmony and the development by law. As a large province with a large population in China, Shaanxi Province is accelerating its urbanization and community construction has begun to take shape. Whether the construction of safe community can play a safe and stable role in the situation of public security has become a hot topic of public concern, and also an important topic in the construction of "Shaanxi Province". In order to establish a safe and stable "Great Shaanxi" environment, under the background of legal governance, the establishment of security community is the key to urbanization "Great Shaanxi". Formulating the local rules and regulations of safe communities in accordance with the law, effectively promoting the implementation of such rules

and regulations, establishing guiding opinions on the construction of safe communities and effective construction experiences and forming the atmosphere of the construction of safe communities can produce a greater driving force for the construction of safe communities. In recent years, Xi'an, the capital city of Shaanxi Province, has emerged in the economic and tourism development. "Nethong City" attracts many domestic and foreign tourists. Safe community construction is also a measure to guarantee the reputation and safety of tourist city. [2]

## **2. Missing Factors in Legal Governance of Safety Community Construction in**

### **2.1 It fails to establish a sound preplan for disposal of community public emergency incidents.**

Under the guidance of the "Procedures on the Administration of Emergency Preplan" and the "General Preplan for Handling National Emergency Public Security Incidents" formulated by the State Council, Shaanxi Province and each district, city and county have issued the emergency preplan involving all fields. These plans include emergency plans for natural disasters (earthquake, environment, geology, etc.), production safety, road traffic safety and food safety, and play an important role in dealing with various types of events. Nevertheless, attention is not paid to the Community Emergency Public Safety Emergency Response Plan and the Management Measures based on community safety. The emergency incidents of community public security have no rules to follow and lack definite organizational structures and the system of emergency measures. Shaanxi and even most of the provinces have not formulated "Community Emergency Public Safety Emergency Plan", that is to say, there is no safety community as an independent unit and as the object of public safety protection. The legal guarantee of safe communities presupposes the construction of safe communities, and the formulation of the construction planning of safe communities and measures thereof necessitates the promulgation of the emergency preplans for the public security of safe communities. [3] Therefore, it is necessary to promote the construction of Shaanxi safe community as soon as possible and keep up with the construction of international safe community.

### **2.2 The community emergency safety organizations are not well established, and the coordination is not effective**

The construction of safe communities requires the establishment of special organizations, clarification of their duties and establishment of corresponding organizations and treatment so as to realize the targets of the construction of safe communities.[4] Most communities in Shaanxi do not have special organizations, and even if they do, they are headed by the government's security services. Most of the members of the organization are community units, community leaders, property managers, from the establishment and can not play its independent functions. In contrast to the situation in Western countries, our security community construction lacks the ability to coordinate the public security, armed police, military, fire, health and other departments horizontally, so that it can deal with emergencies quickly. Often after the incident between the departments of wrangling, shirking, waiting, delayed the effect of disposal. The establishment of safe communities in Shaanxi Province requires an independent organ which has detailed power and duty requirements, only in this way can the steady promotion of safe communities be ensured.

### **2.3 Insufficient emergency response equipment and facilities, and affected efficiency of information transmission**

Sufficient, high-quality and sound emergency equipment and facilities are the hardware guarantee for the construction of safe communities. In the light of the actual circumstances of the communities in Shaanxi Province, the situation of insufficient reserve of emergency equipment and facilities is not optimistic. There are many emergency public safety incidents facing the challenges to the safety of people's lives and property. The road safety caused by heavy rains and snowstorms is short of good drainage and road cleaning equipment. Blizzard travel in Xi'an in January 2018 was blocked, the government temporarily requisitioned snow scrapers and recruited people.[5] The

government's poor handling was greatly questioned. In the face of earthquakes, landslides and mudslides, there was no effective means of information transmission. After the disaster, power was cut off, communications were blocked, and communities did not have effective sirens to inform the people quickly. There was a general lack of fire extinguishers, and fire extinguishers were not repaired for a long time, especially in some old communities. These conditions were more serious and it was difficult to rescue themselves from fires.

#### **2.4 Being short of education on community public security emergencies**

In recent years, the unexpected community public security incidents in Shaanxi region have revealed the lack of community public security education. On the one hand, the community leaders do not pay attention to, can not lead by example, loyal to duty, can not understand the importance and urgency of public safety education, can not strengthen the learning and understanding of the nature and content of public safety education, can not understand the situation and strength of the construction of safe community, thinking aging, stubborn. On the other hand, community members are not aware of the public safety situation and its impact, but also can not take the initiative to learn public safety knowledge. Regardless of their own high hanging, the time after the incident often abuse the government, officials, did not reflect on the public security incidents in their own inadequacies.

#### **2.5 Communities fail to promptly grasp situations within their respective jurisdictions**

In the eyes of the public, it is the police, the hospital or perhaps the property, not the community, who turn to for help in the face of difficulties or public safety needs. The reason lies in the community cadres not in the village, not in the district. Do not know about the unexpected public safety incidents in different communities, villages and towns, the inherent contradictions, the prominent problems, the resident population and the floating population in different communities. That leaves people scrambling in the face of unexpected public events.

### **3. Legal Governance Mechanism of Construction of Safe Communities under Public Security in China**

#### **3.1 Draw up the Emergency Preplan for Community Public Security Contingencies to have laws to abide by for handling public security contingencies**

Based on various contingency plans of Shaanxi Province and all the cities, districts and counties, make clear the scope, working principles, emergency organizational structure and responsibilities, prevention and early warning mechanisms, all kinds of contingency and action plans and accountability mechanisms and so on involved therein. We shall invite scientific researchers, famous professors, experts in the social science research field, leaders of functional departments and personnel in charge of the management of public security events to carefully study and discuss the contents of the above-mentioned rules, especially reasonably setting their scopes, effectively allocating organizational structures and functions, and rigorously enforcing the responsibility mechanism. The "Emergency Preplan for Community Public Security Contingencies" shall be upgraded to local regulations to make it more effective and attract the attention of the whole society. Besides, the corresponding management procedures of public contingencies in the construction of safe communities shall be formulated so as to ensure the steady promotion of the construction of safe communities. [6]

#### **3.2 Defining the organizational structure and bringing its efficiency into full play**

According to the "Community Public Safety Emergency Plan", the organization and personnel set up are government departments, community cadres, unit leaders or property managers, who have their own tasks. As the members of the organizational organs of community public security contingencies, they shall set an example by themselves, make the task clear, and work conscientiously. To refrain from any perfunctory, ambiguous, evasive and negative thinking. There shall be fixed office place and office equipments with effective communication in an institution.

The full-time staff in an institution shall account for a certain proportion. The personnel in an institution shall be trained and studied regularly and shall master the professional coordination or disposal ability of public security.

### **3.3 Enhance the legal accountability mechanism**

After the emergency public safety event, the responsibility subject is often focused on the subject of the emergency public safety event, which has been clearly defined and severely penalized in the Criminal Law. However, there are always cases of evading responsibility where people's lives and property losses have been caused due to delayed or improper handling of public emergency incidents. It is necessary to strengthen the accountability mechanism for the improper handling of public emergency incidents, establish accident investigation teams in a timely manner and, on the basis of the constraints and guarantees set out in the Criminal Law of our country, define responsibilities and impose heavier punishment on the basis of the duties set out in the Emergency Response Plan for Community Public Security Incidents. The administrative punishment of the administrative punishment, the transfer of the judicial department to the judicial department, do not tolerate.

Public security incidents often take the accident itself as the cause of the accident, but after the accident did not deal with in accordance with the plan, improperly increased the loss of personnel and property should be the object of accountability.

### **3.4 Guarantee for emergency measures of grassroots communities and functional departments**

Community is the most direct carrier and the first response unit for the occurrence of community public safety accidents and emergencies. Whether the relevant departments can be effectively organized and coordinated to launch the handling in the first time, whether community residents' self-help, mutual help and co-help can be carried out rapidly, whether the safety of community residents' lives and property shall be protected and the destruction shall be effectively reduced, the emergency measures of the community itself shall be very important.

The person in charge of the community safety guarantee shall be the first person responsible for the community public safety and the unexpected incidents, who shall reach the responsible persons of each unit of the community and the community, who shall reach the local public security bureau, public health bureau, fire prevention and control station, industry and commerce department and judicial department, and shall make timely arrival and handling. [7]

The responsible persons of various units and communities should be assumed by the persons in charge of security departments or property managers. They should strengthen the training and study of legal knowledge of public security and emergency protection knowledge for the above personnel in communities. In addition, it is required that the public security incidents and emergency incidents of the units or the communities where they work be timely grasped, timely reported, and timely launch of self-help, mutual help and co-help.

A mechanism of timely communication, coordination, and reporting between the departments of units and the heads of residential quarters shall be established in units or in residential quarters under the guidance of property management, so as to promptly feed back the public security accidents of units and residential quarters to the functional departments. Departments of entities and heads of floors shall timely acquire the relevant information with the employees and residents of their departments through WeChat and other platforms.

### **3.5 Paying attention to education on community public security**

The general public security awareness of community residents of our country is weak, the public security education is deficient, the emergency public security disposal has no rules to follow, and the awareness of self-rescue is lacking. The important index of community public safety education is the awareness rate and coverage rate of public safety knowledge.[8] How to attach importance to community public safety education, how to grasp the emergency public safety self-help is particularly important.

Government agencies in which communities are located cannot rely on banners and slogans hanging on the walls alone. It is a good way to distribute brochures, carry out local emergency drills, establish community forums, carry out knowledge contests and interact with residents in the community. [9]

It is also an effective way to establish mutual help and communication with the higher learning institution or the public security, procuratorial organs and judicial organs in the area where they are located, invite well-known judges, lawyers and emergency experts to give lectures in communities, and train the members of the community common safety organization for emergency response. [10]

### **3.6 Cadres of the organs and community cadres working in residential areas, villages and towns within their jurisdiction**

The cadres of the organs of the State Council shall be assigned to be stationed in the small communities, villages and towns for a long period of time, and the following situations of the small communities, villages and towns that sink shall be mastered in detail: the temporary residence situation of resident population and floating population, the situation of criminal offense probation, parole and other personnel under community rectification and community supervision, the capacity of street facades and hospitals, clinics in the small communities to handle emergencies, the situation of tenants operating hazardous chemicals and those related to hazardous chemicals in street facades and in small communities, and the statistics on other relevant information of nearby areas where the public gathers and the rules of activities. It should be noted that government officials and community cadres should pay attention to the protection of personal privacy and find hidden dangers in the statistical work and report them to the higher authorities in time.

### **References**

- [1] Jin Lei. China Urban Disaster Risk and Comprehensive Safety Construction [J]. Famous Cities of China, 2010, (12): 8.
- [2] By Chen Zhitao, SONG Wenxiang and HUANG Lihua. Five-type Community- New Mode of Urban Community Social Governance [M]. Guangzhou: Guangdong People's Publishing House 2013.91.
- [3] Zhong Huixiong. Bring together forces from all eight parties and stimulate vitality of grassroots – focus on national construction organization of safe communities and promote [N]. China Safety Production News, March 6, 2012-03-06.
- [4] Challenge and Response of Lu Jifeng. Block to the Public Security of Urban Communities [J]. Journal of Shaanxi Administration College, 2016, (3): 21.
- [5] Lu Jifeng. Experience and Enlightenment from the Integrated Reform of Emergency Management in Western Countries [J]. Journal of Shaanxi Administration College, 2016, (2): 8.
- [6] Research on Governance of Social and Public Security [J]. Tang Jun. Renmin University of China Journal, 2018 (01)
- [7] Theoretical Interpretation of Social Changes and Social Governance – Social Governance [J]. Yan Jirong. Journal of Peking University (Philosophical and Social Sciences). 2017 (05)
- [8] Innovation and Selection of Social Governance in the Process of Social Stratum Differentiation and Social Transformation [J] Pipe transmission forests. Journal of Henan Normal University (Philosophy and Social Sciences). 2015 (04)
- [9] Research on Administration Strategy for Urban Public Security from the Perspective of Risk Society [J]. Cao Huimin. Learning and Practice. 2015 (03)
- [10] Urban Community Heterogeneity and Community Cohesion — — Research Object with Community Neighborhood Relationship [J]. CAI He, He Xiaxu. Journal of Zhongshan University (Social Science Edition) 2014 (02)