

Overview of the Development of China's Fire Protection Legal System

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Abstract: The construction of fire protection legal system is the basic principle for carrying out fire protection work. Establishing a scientific and complete system of fire protection regulations is crucial for promoting public safety construction, improving the level of fire safety governance, and promoting high-quality development of fire protection industry. This article systematically reviews the development process of China's fire protection legal system from three dimensions: ancient, modern, and contemporary, and deeply analyzes the interdependence between fire protection work and economic and social development. Inheriting and developing the fire protection legal system, continuously adding new content, gradually forming and improving, has important historical reference significance.

1. Introduction

Fire protection work is an important component of social public safety and the national disaster prevention, reduction, and relief system. It is an important task related to the safety of people's lives and property, and must be implemented by the state by formulating a series of mandatory behavioral norms. The construction of China's fire protection legal system can be traced back thousands of years, and in sync with fire protection work, corresponding fire protection laws and regulations have gradually evolved and formed.

2. Development of Ancient Fire Protection Legal System

According to the "Annals of the Five Emperors" in the "Records of the Grand Historian", the "ancestor of human beings" in China, Emperor Huang, proposed the requirement of "conserving water, fire, and property" when arranging the birth of the people. Here, fire refers to setting fires and burning wastelands in a controlled manner according to the seasons, in order to prevent disasters, and setting up a special government to manage the use of fire - the Fire Administration. It can be seen that there were shadows of fire regulations and systems four or five years ago.

2.1 Shang Dynasty

The Shang Dynasty had already entered slavery, during which time the law had begun to take

shape and had clear provisions on fire prevention. The earliest law on fire was formulated - the Fire Regulations. Because it is common for slaves to set fire to the master's granary at night, it is stipulated that those who discard ashes on the path should have their hands cut off.^[1] This is the earliest fire safety regulation formulated in our country, and it is a very cruel fire safety regulation in the slave society.

2.2 Zhou Dynasty

The legal system of the Zhou Dynasty was more complete than that of the Shang Dynasty. There are fire officials such as "Gong Zheng", "Si Guan", and "Si Xuan", and they issue "fire bans", which are policies on fire prevention. For example, "If there is a fire in the middle of the country, there is a worry of the house burning on fire; if there is a burning of thunder in the wilderness, there is a danger of burning and damaging the mountains and forests. There may be punishment for large cases, and punishment for small cases, and the severity of the crime may vary."

2.3 Spring and Autumn Period and Warring States Period

In the "Zuo Zhuan of Spring and Autumn Period, the 14th year of Duke Huan", it is recorded that "human fire is called fire, and heavenly fire is called disaster." Fire caused by war and other human activities are classified as "human fire", and fires in palaces, ancestral temples, and cemeteries are classified as "disasters". Some politicians and thinkers strongly advocate that fire safety is a major issue that affects the wealth of the country. In order to ensure the implementation of fire safety work, they propose to amend the Fire Constitution and establish fire safety regulations to ensure it. Famous politician Guan Zhong listed the prevention and control of fires in mountains, forests, and grasslands as the top priority for the development of the country's agricultural economy.

2.4 Qin Dynasty

The laws of the Qin Dynasty were gradually improving, and the fire prevention laws were significantly strengthened and developed. As stipulated in the "Qin Law", "warehouses for storing grains must have high walls; no one is allowed to live near warehouses for storing wheat straw and grain covered with thatch, patrols must be conducted at night, and idle personnel are not allowed to enter the storage area; nearby sparks must be extinguished when closing the door." During the reform of Shang Yang in the Qin Dynasty, there was a punishment of "abandoning dust on the path, tsing", which was to make a mark on the face and paint it with ink black to show punishment.

2.5 From the Han Dynasty to the Southern and Northern Dynasties

During this historical period, there was no major breakthrough in the fire governance system, only some fire prevention regulations were formulated. For example, "On the summer solstice, it is forbidden to hold large fires, stop charcoal and drum casting, and eliminate stones and iron. Until the beginning of autumn, it is like a story." "It is forbidden for the people to work with lights and lights at night."

2.6 Tang Dynasty

The "Commentary on Tang Laws" fully preserves the provisions of fire laws in the Tang Dynasty, and makes specific punishment provisions for various illegal behaviors such as fire and arson. As stipulated: "Those who burn official buildings and private houses due to various reasons shall be

punished for three years if they have property." "Those who catch fire or burn fields outside of time shall be punished with fifty lashes; those who continue to burn people's houses and property shall be punished with eighty sticks." "When a fire is seen, they shall be prosecuted but not reported, and the crime of fire shall be reduced to two grades."

2.7 Song Dynasty

Fire control laws were basically based on Tang laws, and severe sanctions were imposed on arsonists, arsonists, and those who failed to fulfill their firefighting duties. For example, "Those who set fire shall be beheaded, but their homes shall not be found." "Those who leave (lose) a house on fire, accumulate military curtains and property, and have a total of two or more coins shall be beheaded." The criminal law of the Song Dynasty was more complete than its predecessor, clearly distinguishing between the crime of arson and the crime of arson, emphasizing the need to obtain evidence for arsonists. According to the laws of the Song Dynasty, if the main arsonist cannot be caught, the officials in charge must be punished. "There is a lot of fire in the capital city. If those who set fire to the law do not receive it, all the officials will be punished. If the people have desires to harm officials and officials, they will be dismissed one after another."

2.8 Ming Dynasty

The laws of the Ming Dynasty were simplified on the basis of inheritance. The fire protection clauses are mainly included in the Criminal Law of the Ming Dynasty. Meanwhile, there are also provisions regarding fire protection in other laws and regulations. As stipulated: "Anyone who sets fire to their own house shall have a hundred sticks. If the burning of official and civilian houses and accumulated objects is continued, the stick shall be one hundred and the apprentice shall be three years." "If the burning of official and civilian houses, public warehouses, and accumulated objects is caused by setting fire, they shall all be beheaded." The Ming law is based on the Tang law and can be said to be "more important" than the Tang law. Compared to other criminal laws, although the content of the two is roughly the same in many aspects such as the punishment of fires, the clear law clearly emphasizes the execution.

2.9 Qing Dynasty

The provisions on fire protection in the Qing Dynasty's laws and regulations were more specific and clear in terms of the punishment for fire and arson crimes, which indeed played an important role in fire management at that time. The Qing government stipulated that local officials and soldiers were responsible for local firefighting and fire prevention. In the event of a fire in their jurisdiction, local officials would be punished according to Qing laws and regulations. In the ninth year of the Kangxi reign, it was stipulated that "officials who caught fire and burned houses in the area shall be fined three months' salary; those who burned along the grain and paper warehouses shall be fined one year's salary; and those who hid money, grain, and paper books without permission and burned them down shall be demoted and retained." This was also an earlier regulation on accountability for fire accidents. The Qing government's adoption of such measures played a certain role in promoting local officials at all levels to pay attention to fire prevention.

3. Development of Modern Fire Protection Legal System

During the Republic of China period, neither the Beiyang government nor the Nanjing Nationalist government paid much attention to fire safety.^[2] Not only has there been no regulation

enacted to regulate the entire fire protection matter, but there have also been no more decent fire protection regulations such as the establishment of fire protection institutions, fire prevention, and fire extinguishing. Except for the inclusion of provisions related to fire protection in some regulations such as the Criminal Law of the Republic of China and the Law on Punishments for Violations, only the Ministry of Internal Affairs formulated the Outline of the Expanded Fire Protection Organization in 1929. During this period, in order to ensure the safety of the area, many local governments formulated many fire safety regulations based on practical needs. In order to strengthen urban fire prevention management and address the increasing production and use of kerosene, gasoline, firecrackers, and matches at that time, various regions also formulated some industrial fire prevention regulations. Such as the "Rules for the Suppression of Manufacturing Fireworks and Explosions by the Capital Police Department", "Rules for the Suppression of Matches Business by the Shanghai Public Security Bureau", "Rules for the Suppression of Kerosene Industry in Qingdao", "Measures for Fire Prevention in Heilongjiang", "Fire Prevention Instructions for Improvement and Construction in Tianjin", "Rules for the Use of Well and Tap Water by the Beijing Fire Brigade", "Rules for Rescue Fire in Guangzhou", and "Shandong Fire Brigade Officer Disability Pension Brochure". Influenced by advanced fire protection countries such as Europe, America, and Japan at that time, fire protection laws and regulations began to absorb some new concepts and measures.

During this special period of the Republic of China, due to national turmoil and war, the central government did not pay special attention to fire safety work and did not make many achievements in the construction of fire safety regulations. However, some local governments, knowledgeable individuals, and foreign concessions still took many effective measures to ensure the safety of the area, thereby promoting the continuous development of modern fire safety in China.

4. Development of Contemporary Fire Protection Legal System

Since the establishment of the People's Republic of China, we can divide the development of fire safety regulations into three stages: initial construction, gradual improvement, and systematic development.

4.1 Start construction

From the establishment of the People's Republic of China until the promulgation of the Fire Protection Law of the People's Republic of China in 1998. In the early days of the founding of the People's Republic of China, due to slow economic development, the total number and losses of fires were relatively low. In the 1950s, China had an average of 60000 fires per year, resulting in a loss of 60 million yuan. According to the needs of fire protection work at that time, in 1957, with the approval of the National People's Congress, the State Council promulgated the first basic fire protection law of the People's Republic of China, the Regulations on Fire Supervision of the People's Republic of China. This law consists of 12 articles, which clarify that fire supervision work must rely on the people, and for the first time establish a fire prevention responsibility system in enterprises, institutions, and cooperatives. It has established seven responsibilities for fire supervision agencies, including formulating fire safety rules and technical specifications, conducting fire safety inspections, and unifying command and organization of fire scene firefighting, laying the foundation for China's fire legal construction.

After the reform and opening up, the economy and society gradually began to develop rapidly, and the total number of fires and losses also increased significantly. Between 1978 and 1980, an average of 3442 people died from fires each year, resulting in a direct economic loss of 204 million yuan. Fire accidents gradually posed a significant threat to the socialist economic construction and

people's lives and property at that time. Especially with the deepening of reform and opening up, the situation in various aspects of China has undergone significant changes and has entered a new era with socialist modernization as the central task. The content stipulated in the original Fire Supervision Regulations is no longer suitable for the requirements of the situation. Therefore, based on the need to defend the construction of the "Four Modernizations" at that time, the National People's Congress formulated and promulgated the "Fire Control Regulations of the People's Republic of China" in 1984 on the basis of the "Fire Control Supervision Regulations".

This regulation generally adapted to the needs of fire safety work in the early stages of reform and opening up, and stabilized the social fire safety situation at that time. The policy of "prevention first, combined with prevention and fire" has been clarified in fire protection work. At this stage, the scope of power of fire supervision has been greatly expanded, even including the supervision of the fire safety situation of residential buildings. The Regulations specify for the first time the requirements for supervising the implementation of fire protection technical specifications in the design and construction of construction projects; Clarify for the first time the right to participate in the completion and acceptance of construction projects; For the first time, the power to supervise and inspect the planning and construction of public fire protection facilities in urban construction has been clarified. And for the first time, the "Regulations" explicitly proposed the concept of "fire hazards". In the administrative penalty procedure for fire safety violations, the premise of refusing to implement corrective measures after being notified by the fire supervision agency has been further clarified. It can be seen that during this period, fire supervision and law enforcement were still a form of public security law enforcement. During this period, the Criminal Law also made provisions on penalties related to fire safety, such as the crime of fire, arson, and major responsibility accidents, strengthening the crackdown on fire related cases.

4.2 Gradually improve

The time was from the promulgation of the Fire Protection Law in 1998 to before the 18th National Congress of the Communist Party of China.

The period of the "Eighth Five Year Plan" and "Ninth Five Year Plan" before the promulgation of the Fire Protection Law in 1998 was the fastest period of economic development in China, and also the period with the most serious fires since the founding of the People's Republic of China. The frequent occurrence of major fires not only brings huge losses to the country and citizens' lives and property, but also to a certain extent affects economic construction and social stability. During this period, firefighting work encountered many new situations and problems. In this context, on April 29, 1998, the second meeting of the Standing Committee of the Ninth National People's Congress passed the Fire Protection Law of the People's Republic of China, which came into effect on September 1, 1998. This is the basic law of fire protection in China. Compared with the Fire Protection Regulations, there are three obvious changes in the Fire Protection Law: firstly, the number of provisions has increased from 32 to 54, making the content more abundant and the provisions more specific, scientific, and comprehensive; The second is to clarify the responsibilities of the government, units, and citizens; Thirdly, it stipulates the legal responsibility for violating the Fire Protection Law. In the following decade or so, it played an irreplaceable role in promoting the construction of China's fire protection legal system and improving the level of socialized fire management.

In 2008, based on summarizing the implementation of the original Fire Protection Law, the Ministry of Public Security requested the National People's Congress to make the first amendment to the Fire Protection Law.^[3] Significant reforms have been made in government, department, and unit fire protection responsibilities, construction project fire protection supervision, social fire

protection technical services, emergency rescue work, fire protection supervision and inspection, fire protection legal responsibilities, and public security police station fire protection work. One is to establish a socialized firefighting work pattern from a legal perspective, which includes unified government leadership, legal supervision by departments, comprehensive unit responsibility, and active citizen participation. Secondly, in accordance with the new characteristics of fire management under the conditions of socialist market economy, the fire administrative approval system has been improved. The third is to strengthen the investigation and punishment of fire hazards, which has actually laid the foundation for current fire safety laws and regulations.

4.3 Systematic development

Since the 18th National Congress of the Communist Party of China to the present day. Since the 18th National Congress of the Communist Party of China, with the high attention and care of the Party Central Committee and the State Council, the fire protection industry has entered a new stage of sustained and rapid development. During this period, with the reform, the Fire Protection Law also underwent two revisions and adjustments. On April 23, 2019, the 10th meeting of the 13th National People's Congress Standing Committee passed the Decision on Amending Eight Laws, including the Construction Law of the People's Republic of China. This is the second revision of the Fire Protection Law since its promulgation in 1998 and revision in 2008. The background of this revision is based on the "Plan for Deepening the Reform of Party and State Institutions". The fire management responsibilities of the Ministry of Public Security have been transferred to the Ministry of Emergency Management, and the public security fire forces have successfully completed the transfer and restructuring work, forming a national comprehensive fire rescue team. At the same time, according to the requirements of the Central Compilation Office, the responsibility of guiding the review and acceptance of fire protection design for construction projects will be transferred to the Ministry of Housing and Urban Rural Development. To ensure the implementation of reform tasks, it is urgent to make corresponding adjustments to the relevant provisions of the Fire Protection Law. On April 29, 2021, the 28th meeting of the Standing Committee of the 13th National People's Congress approved the decision to amend the Fire Protection Law of the People's Republic of China, which will come into effect from the date of its promulgation. This revision mainly involves two aspects: firstly, fully implementing the management of public gathering places for use, pre business fire safety inspection notification, and commitment; The second is to cancel the qualification and license of fire protection technical service institutions, while setting legal responsibilities for corresponding illegal acts.

After more than 70 years of continuous development and improvement in three stages, China has basically formed a fire protection legal and regulatory system with the Fire Protection Law as the core, a number of local fire protection regulations as the basis, and a series of supporting fire protection regulations and normative documents as important components, covering the entire field of fire rescue work and team construction, with relatively complete categories and reasonable structure. The construction of fire protection regulations in China has achieved a leapfrog development in the new era.

5. Conclusion

By reviewing the construction process of China's fire protection legal system, we can draw several conclusions: firstly, fire protection work will always be an important social public affair. Fire and firefighting are a very ancient proposition closely linked to the political and economic context of the era. Political stability and economic prosperity led to significant development in firefighting work and legal construction during that era, and that's the case anyway. Secondly, the

rule of law in controlling fires has existed since ancient times. Chinese civilization is the only uninterrupted civilization in the world. Firefighting is also a part of social civilization. China's fire protection legal system has a long history, like a long river. Since the Qin and Han dynasties, various dynasties have inherited and developed it, continuously adding new content, gradually forming and improving it. Thirdly, the development of fire protection is closely integrated with social development and is an essential component that economic and social development must rely on. Throughout various eras in China, from the central government to local governments at all levels, fire safety has always been highly valued. It is crucial to fully leverage local initiative and creativity in the field of fire management. This fire management system is also deeply reflected in the construction of fire legal system, forming an important content and excellent tradition of Chinese political system and Chinese culture. Inheriting and carrying forward this tradition undoubtedly has important historical reference significance.

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