

Progress, Academic Debates, and Future Prospects of Environmental Law Codification in China

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Keywords: Environmental Law; Codification; Compilation of an Environmental Code

Abstract: The study of environmental code in Chinese academia began in the late 1980s with discussions on systematizing environmental law. For decades, scholars have debated the necessity, conditions, mode, and content of environmental codification, presenting various theories. This paper summarizes the progress and key debates in environmental law codification, identifies remaining conceptual and technical obstacles, and aims to shape a robust legal framework to support ecological civilization.

1. Introduction

Given that the codification of environmental law is a focal issue within the domain of environmental law, journal literature is more avant-garde and timely for researching this topic. Therefore, this paper primarily references relevant literature from the China National Knowledge Infrastructure (CNKI).

The following sections will elucidate the progress of environmental law codification, focus on key arguments, and propose future prospects for research on the codification of environmental law by synthesizing the existing literature.

2. Research Progress Review

The study of environmental law in China can generally be divided into four stages:

2.1. First Stage: Late 1980s to Early 1990s

In 1986, Wuhan University convened the National Environmental Law System Academic Symposium, which conducted in-depth research on the construction and institutional development of China's environmental law system. Concurrently, there were specialized discussions on foreign environmental law and codification topics. In 1989, China promulgated the "Environmental Protection Law." As this law did not meet the standards of a fundamental environmental law, there emerged two schools of thought in the academic community regarding the direction of China's environmental legislation: one advocated for the continuous improvement of the fundamental environmental law, while the other suggested the timely consideration of codifying environmental laws using a systematic approach. Wang Canfa advocated that, in the construction of China's environmental law system, a systematic approach should be adopted and the codification of

environmental laws should be considered at an appropriate time [1]. In 1998, Wang Jin proposed that the convergence of global environmental legislation has been a widespread legislative trend in various countries since the 1990s. He discussed the background, ideological concepts, and legal phenomena of the global environmental legislative convergence movement and explored new issues arising from this process [2]. In 1999, during the "Sino-German Legal Reception and Codification" international symposium held at the Law School of Nanjing University, German scholars demonstrated the necessity and significance of codifying public law, using the development processes of German environmental law and commercial law, thereby bringing the topic of environmental law codification back into the focus of environmental law scholars [3].

At this time, domestic scholars primarily focused on descriptive introductions regarding the codification of environmental law. For instance, Jin Ruilin and others mentioned in their works: "In countries with relatively well-developed environmental legal systems, integration and codification are the ultimate trends in the development of environmental law. There are two theoretical bases for creating an integrated environmental code: first, there are too many related environmental laws in the country with basically similar adjustment methods. Second, legislation related to the environment and natural resources has become relatively stable, necessitating sustainable development in thought and concept" [4](p.16). Wang Jin also discussed in his works that global environmental law is currently moving from fragmentation towards convergence, with developing countries continuously improving and perfecting their environmental legal systems, while developed countries are moving towards codification [5](p.309).

At this point, scholars began to set the stage for the study of the codification of environmental law.

2.2. Second Stage: 2003-2010

In 2003, the Environmental Protection and Resources Conservation Committee (EPRC) of the Ninth National People's Congress first expressed a desire to codify environmental law. At that time, Mao Rubai, then Chairman of the EPRC, proposed that "we should explore the codification of environmental law when conditions are ripe" [6]. In 2005, the EPRC convened the "China Environmental Legislation Symposium" in Beijing, where domestic environmental law scholars engaged in heated discussions on the topic of environmental law codification. Subsequently, environmental law scholars such as Cai Shouqiu, Qi Daomeng, and Zhang Zitai put forward their visions for the codification of environmental law. Notably, the project "Basic Research on the Codification of Environmental Resources Law" yielded a series of outcomes. For instance, Li Zhiping explored the Swedish Environmental Code, asserting that the strategy of sustainable development in Sweden gave birth to the "Environmental Code. Xia Ling conducted research on the codification of environmental law in France, Sweden, and Germany, as well as the legislative models for a Chinese environmental code. Li Chuanxuan also elaborated on the necessity and fundamental conditions for the codification of environmental law. Peng Feng's book "The Myth of Codification: An Examination of French Environmental Law," as the first systematic study of French environmental law in China, provided a comparative legal perspective on the topic of environmental codification. By this stage, the codification of environmental law had been comprehensively studied in both legal theory and practice.

2.3. Third Stage: 2010-2017

During this period, Wang Guangtao, then Chairman of the Environmental Protection and Resources Conservation Committee of the Eleventh National People's Congress, proposed a "limited amendment" plan for the "Environmental Protection Law," clearly outlining the idea of "limited amendments." This marked the abandonment of the environmental law codification plan.

Subsequently, research on the codification of environmental law in the academic community essentially entered a dormant state, with the focus of the environmental law community shifting towards how to amend the "Environmental Protection Law."

2.4. Fourth Stage: 2017 to Present

In 2017, environmental law scholars, represented by Lv Zhongmei, submitted a legislative proposal to the National People's Congress to "include the codification of environmental law in the legislative plan of the Thirteenth National People's Congress." Subsequently, the Environmental and Resources Law Research Association of the China Law Society established a special project titled "Research on the Environmental Code (2018—2020)," resulting in a series of research outcomes, including the "Expert Draft and Explanations of the Ecological Environment Code." Additionally, some scholars have provided codification proposals from different perspectives. For example, Zhang Zhen elucidated the constitutional basis for codifying the environmental code. He argued that constitutional provisions related to ecological civilization construction form the normative and institutional basis for the codification of the environmental code. To ensure the constitutionality, quality, and expected legal function of the environmental code, effective constitutional control should be implemented in terms of standards, procedures, and benchmarks [7]. Zhang Lu confirmed the independence of environmental law based on ecological interests by fully elucidating the origins and unique value orientation of environmental law. Gong Gu provided insights into the conceptual selection and system construction of the environmental code from the perspective of the fundamental concept changes in environmental law. Zhang Zitai drew on the ancient legal tradition and advocated the compilation of ecological environmental code with Chinese characteristics under the guidance of the concept of harmonious coexistence between man and nature.

The successful promulgation and implementation of the Civil Code have intensified calls for the codification of environmental law. During this period, scholars have begun exploring how to compile an environmental code from various directions and perspectives.

3. Academic Debates

Overall, the academic debates among scholars regarding the codification of environmental law revolve around two main paths: "codification concepts" and "codification techniques."

3.1. Divergence in Codification Concepts

1) Is Codification Necessary?

Scholars advocating for the codification of environmental law argue its necessity from three aspects.

First, from a constitutional perspective, the codification of an environmental code is traceable within the Constitution. On one hand, the Constitution of China explicitly mandates the maintenance of the unity of the socialist legal system. This is reflected in the immediate revision, repeal, and interpretation of existing laws based on constitutional principles, aiming to establish and perfect a socialist legal system with Chinese characteristics. An environmental code could serve as a comprehensive fundamental law, aligning with the Constitution at the top and integrating various environmental statutes at the bottom, thereby reflecting the external unity of the law [8]. On the other hand, the Preamble of the 2018 Constitutional Amendment states that the path to the great rejuvenation of the Chinese nation is to build a prosperous, democratic, civilized, harmonious, and beautiful socialist modernized country. The codification of an environmental code vividly interprets the term "beautiful" and also reflects the internal unity of the law [9]. Concurrently, supported by the

Constitution, an environmental code can effectively address the issue of "environmental rights," constructing an "integrated with dual wings" system where general environmental rights form the body, with the right to a healthy environment and the right of nature being the wings. This approach not only facilitates the coherence between constitutional norms and environmental law norms but also addresses the new demands and expectations of the people [10]. Furthermore, the environmental code could expand the connotation of the "national obligation of environmental protection," focusing more on the mutual relations and functions among different state organs, thereby ensuring a more reasonable allocation of state powers in the field of ecological civilization as prescribed by the Constitution[11]. In summary, proponents believe that the Constitution necessitates an environmental code to concretize the concept of a "Beautiful China," and the environmental code, in turn, requires the Constitution to provide a basis for its codification.

Second, Codifying an Environmental Code is an Important Political Decision. First of all, the status of environmental protection in the political domain has been continuously rising. A series of shifts in the national political strategy signifies that the work of ecological environmental protection has been gaining increasing prominence in the governance of the country. The codification of environmental law not only enhances the nation's political influence but also "provides the most solid political guarantee for the development and evolution of China's environmental rule of law and its codification process" [12]. Secondly, as socialism with Chinese characteristics enters a new era, the principal social contradiction has changed. Environmental governance has shifted from pollution prevention to ecological restoration, advocating for "social, ecological, and economic sustainability." Traditional Environmental Protection Law or standalone environmental statutes cannot adequately adjust the relationships between the economy, environment, and society. Through the codification of environmental law, outdated environmental laws that do not adapt to social development can be timely adjusted. This process is "the necessary path to converting integrated decision-making methods for environment and development into 'legal language'" [13].

Third, From the Perspective of the Legal System Itself, The Vigorous Promotion of Ecological Civilization Construction in Our Country Urgently Requires the Systematization of Environmental Laws. Codifying an environmental code contributes to the systematization of environmental laws, addressing the drawbacks of the current fragmented and convergent environmental legislation. Firstly, the current environmental legal system follows a "basic law + specialized legislation" model, resulting in segmentation and logical confusion. Additionally, the specialized environmental protection legislation, due to its wide legislative timeframe and classification under different legal departments, exhibits significant differences in legislative principles and concepts. Therefore, the application of typological thinking is necessary for environmental laws, using the systematic approach of codifying an environmental code to "achieve more precise legal abstraction" [14]. Secondly, environmental law distinctly features the legalization of policies. The open and flexible nature of environmental policies hinders the modernization of the environmental governance system and governance capabilities. Codifying an environmental code can systematically organize relevant environmental policies, laws, and regulations, identify patterns, and use typological construction to present the scientific and objective characteristics of a good environmental code. "By using the simplicity of the code to resolve the bloating issue of environmental laws, leveraging the applicability of the code to address the technicalization issue of environmental laws, relying on the logic of the code to solve the inconsistencies in environmental laws, and using the stability of the code to eliminate the ambiguity in environmental laws" [15], the codification of an environmental code holds significant importance.

Scholars opposing codification argue from three perspectives:

Firstly, the codification of sectoral laws must transcend formalism. Overemphasis on the form and external requirements of the code, while neglecting its intrinsic substance and normative effectiveness,

is problematic. From a practical standpoint, both the French Environmental Code and the Swedish Environmental Code have largely failed. Thus, it is essential to examine the necessity of codifying an environmental code from the dual perspective of form and substance. Furthermore, environmental law has only a 50-year history and lacks consensus on fundamental concepts, unique principles, and institutions. Environmental protection methods and approaches are predominantly led by the administrative sector, with environmental policies and laws developing concurrently. Compared to the deeply historical Civil Code, these factors are evident. Environmental laws and regulations, characterized by state legislation, are gradually declining, with Alternative Dispute Resolution (ADR) emerging as an effective path for environmental governance. However, the mechanisms within an environmental code cannot incorporate private implementation and civil mechanisms, making codification not necessarily the optimal legislative choice for standardizing the environmental legal system.

Secondly, joint party-government documents play a crucial role in contemporary Chinese governance. They serve as important policy tools linking and balancing the leadership of the Communist Party of China (CPC) with government administration. The rapid development of environmental law in recent years is closely tied to the advancement of party regulations on ecological and environmental protection. The establishment of the Central Environmental Protection Inspection Team has imbued environmental resource regulatory bodies with both "party" and "government" attributes. Numerous joint party-government normative documents have also substantially impacted the ecological and environmental legal system. However, in practice, comparing joint party-government documents with national laws often leads to conclusions of "illegality." Thus, where should these joint documents be placed in the codification of an environmental code? During application, if there is a conflict between joint party-government documents and standalone environmental laws, which should prevail? Without clarifying their hierarchical relationship, it is premature to proceed with codification.

Lastly, The essence of a 'code' lies in its stability, and the premise of this stability is that the social relations it adjusts are stable. Laws that change too rapidly and lack stability are unsuitable for codification. China's environmental rule of law is undergoing a phase of balancing economic development and ecological protection, with frequent revisions to standalone environmental laws and the introduction of supporting environmental policies. This dynamic nature of environmental laws conflicts with the stability required for codification, making the codification of an environmental code inappropriate at this time.

2) Are the Conditions for Codification Already Met?

The primary arguments in favor of the codification of environmental law focus on the following aspects:

Firstly, from a historical perspective, China has a longstanding tradition of codification. The inheritance and transformation of legal codes are a microcosm of the historical evolution of the Chinese legal system. Li Kui's "Fa Jing" is revered as the source of systematic legal codes in ancient China. Shang Yang used the "Fa Jing" as a blueprint, transforming laws into statutes and promulgating regulations on state affairs to achieve governance objectives. The "Tang Code with Commentary," a compilation of the legal wisdom of Tang and Song dynasty jurists, encapsulated the essence of ancient sage laws and contemporary regulations. The "Great Qing Legal Code," promulgated during the Qianlong era and in effect for nearly a century, became the representative code of the Qing dynasty. Thus, China has a rich tradition of codification.

Secondly, from a practical perspective : Politically: Codification is a political decision. Codification ensures that governance is not fragmented but cohesive, converting part of policy discourse into institutional discourse and promoting high-quality development. Economically: The development of the economy and society acts as a powerful driving force for the codification of an

environmental code. Currently, the changing principal contradiction in Chinese society signifies an increasing demand from the public for a good ecological environment. However, the reality is grim. On one hand, the fragmented nature of environmental legislation is far from meeting the practical requirements for modernizing the environmental governance system and capacity, and steadily advancing ecological civilization construction. On the other hand, the introduction of the green development concept challenges traditional economic development models, urging legislators to expedite the revision or formulation of laws reflecting the green development concept. Therefore, in the context of comprehensive rule of law and ecological civilization reform, the codification of China's environmental code comes at an opportune time.

Lastly, regarding the code itself, a significant feature of codification is its systematic nature, encompassing both the quantity of legal norms and the practical application of the law. **Legal Norms Quantity:** This is demonstrated by the considerable number of laws and regulations within this legal sector. To date, China has over 30 effective ecological and environmental protection laws, more than 100 administrative regulations. **Legal Practice:** Rich environmental law practice is evident from the 83,924 public interest litigation cases handled by the People's Procuratorates in the field of ecological and environmental protection in 2023, accounting for 44.2% of the total number of public interest litigation cases.

The primary arguments against the codification of environmental law focus on the following aspects:

Firstly, China's environmental legislative framework is still in a state of dynamic development. The legislative approach is fragmented, the legislative quality is not high, and the timing for codification is not yet mature. The existing standalone environmental laws overly focus on pollution prevention, with a significant lack of legislation on ecological protection. Although the number of laws is sufficient, some regulations have become disconnected from social realities and are even shelved. As a tool for institutional support in various national construction endeavors, environmental laws must continually improve in tandem with societal development. Ecological civilization construction is ongoing, and corresponding laws and regulations are necessarily in a state of change and development. Hastily codifying an environmental code could undermine its stability and authority.

Secondly, some scholars argue that from the perspective of pursuing legal rationality, environmental law does not meet the conditions for codification. Legal rationality manifests in the rationality of the legal framework, the rationality of the codification process, and the presence of core concepts that support the entire code. When it comes to environmental law, what constitutes the core concept that supports the entire environmental code? Terms like "environment," "resources," "ecology," or "pollution prevention" seem inadequate to encompass the entirety of an environmental code. Additionally, environmental policy, as an important institutional tool for addressing complex environmental issues, has not been effectively integrated with environmental law, often leading to environmental laws being constrained by environmental policies. Thus, the timing for codification is far from ripe.

Lastly, scholars represented by Peng Feng, at the "General Principles of Civil Law and Green Development Symposium" held in May 2017, strongly opposed the codification of environmental law, listing several reasons: (1) We are in an era of significant social transformation, and an environmental code cannot adapt to the rapidly changing social landscape. (2) The basic framework of China's environmental law is still unclear, there is no issue of legislative inflation. (3) At this stage, the theoretical foundation of environmental law is weak, lacking the conditions for codification. (4) The status of environmental rights is still unclear. (5) The fragmented administrative management system for ecological environments limits the codification process as a legislative project. (6) The cost of codifying an environmental code is high and challenging. These reasons collectively suggest that the codification of environmental law is almost an impossible task.

Undoubtedly, the expansion and fragmentation of environmental laws serve as an intrinsic motivation for codifying an environmental code. The shift in national environmental protection policies from reactive responses to proactive pursuit of sustainable development provides external support for this codification. However, scholars hold differing opinions on whether to proceed with codification. The fundamental reason for this divergence is the lack of consensus on the proposition: "Is the effectiveness of environmental governance a legislative issue or an enforcement issue?" Supporters of codification often emphasize the status and function of an environmental code within the environmental legal system. They argue that a codified system can provide coherence and comprehensiveness to fragmented environmental laws. On the other hand, opponents focus on the practical necessity of an environmental code. They highlight the significant gap between the ideal of achieving a systematic environmental legal framework and the reality of legislators' inadequate legislative techniques and enforcers' overlapping administrative responsibilities. The effectiveness of laws depends on the laws themselves. While China's environmental legislation is rapidly developing, its completeness and scientific rigor are still questionable. Consequently, a hastily codified environmental code might end up being merely formalistic, lacking in authority and practical applicability. This divergence reflects the tension between the ideal of a systematic and coherent environmental legal framework and the practical challenges of legislative and enforcement capabilities. Supporters believe that codification can bring structure and clarity, while opponents worry that without addressing underlying issues in legislative and enforcement practices, a codified environmental code may not achieve its intended goals.

3.2. Technical Debates on Codifying Environmental Law

1) Compilation-Based Code

Scholars advocating for a compilation-based code argue that even if legislators integrate existing legal norms into a code to some extent, standalone legislation, customs, and case law will continually break the code's framework. Thus, adopting a compilation-based code is seen as a more prudent approach in contemporary legal practice. Overemphasis on the stability and completeness of the code inevitably leads to stagnation and obsolescence. Compilation-based environmental legislation can create a legal normative system that is "cognitively open" externally and "operationally unified" internally. This model involves not only a scientific and unified aggregation of environmental laws and regulations but also guidance through judicial interpretations and case law. This seemingly loose yet internally coherent compilation structure ensures that environmental law can evolve autonomously and remain relevant despite the rapid changes in environmental issues. Unlike traditional departmental codes, a compilation-based code does not exclude the existence of related standalone laws. Given the current state of environmental law development in China, a compilation-based code should guide the process—first addressing existing legal and regulatory issues and then timely drafting a high-quality environmental code.

2) Moderate Approach to Codification

Scholars advocating for a moderate approach to codification suggest that codifying environmental law may need to proceed through several stages, progressing gradually and steadily. In terms of the codification model, a "moderate codification" approach should be adopted. Codifying an environmental code requires accurately grasping the essence of "moderation," transforming this abstract concept into specific logic and expressions, ensuring that the final environmental code exhibits "moderation" in both structure and content. This includes moderate systematization, openness, and phased development [16]. Some scholars believe that the systemic benefits of an environmental code surpass those of standalone environmental laws. From a comparative environmental law perspective, the systemic benefits of an environmental code can be analyzed in

terms of certainty, stability, and openness, thus exploring moderate codification. Additionally, adopting a moderate codification can reflect the "secondary adjustment law" characteristic of environmental law and the pursuit of substantive justice, overcoming its rigid and mechanical drawbacks [17]. Under the "moderate" model, codifiers can systematically screen and integrate environmental laws and regulations, distinguishing those that need not or cannot yet be included in the environmental code, allowing them to coexist with the code as standalone laws. Alternatively, an approach could involve using the "Environmental Protection Law" as the general principles of the environmental code and drafting specific sections subsequently, taking a more cautious path to codification [18]. In determining the scope of "moderation," one could refer to the four standards proposed by Japanese scholar Nobushige Hozumi to achieve a more ideal codification state.

Codification represents a movement, signifying that the field of law has reached a mature stage of development. In contrast, the drafting of a legal code is a technical endeavor, concerning legislative techniques, legal theory, and the overall refinement of the legal system. A compilation-based code tends to be conservative, simplifying the law and providing the most reliable means for easy reference. Conversely, a drafting-based code involves a certain degree of risk and innovation, requiring participants to possess a high level of legal acumen. Scholars' discussions on the form of environmental code compilation reflect their attitudes towards codification itself. The selection of content for the code imposes higher demands on legislators. The "moderate codification" approach seeks to navigate between formal codification and substantive codification, aiming to achieve theoretical consensus and reduce theoretical divergences. However, given the current state of legislative techniques, it is challenging to strike the right balance of "moderation." Properly drafting an environmental code necessitates both the intellectual contributions of scholars to justify the logic of codification and a practice-oriented approach. This code must address the unique questions posed by the era of ecological civilization in China, specifically how to present the distinctive experiences that drive the construction of a beautiful China. Additionally, it must respond to the global inquiries of the ecological civilization era, namely how to effectively promote equitable, cooperative, and mutually beneficial development for a cleaner world in the 21st century.

4. Future Prospects for the Codification of Environmental Law

The current push for the codification of environmental law is driven by profound internal and external motivations and holds both practical and theoretical significance. In the realm of academic research, any valuable academic proposition is advanced through continuous theoretical debate.

4.1. Conceptual Issues That Still Require Exploration—Lack of Consensus on the Intrinsic Value of Environmental Law

Firstly, a legal code and standalone laws are merely different manifestations of the law, serving as institutional tools for social governance. The Legislation Law explicitly states that the hierarchy of legal authority, from highest to lowest, is as follows: the Constitution, laws, administrative regulations, local laws, and rules. A code can be seen as a comprehensive collection of laws but does not imply a higher level of authority than standalone departmental laws. Nor does it mean that a code is more adaptable to social development. On the contrary, standalone laws are necessary to complement and balance the code with their specificity and flexibility, addressing the inherent ambiguity and rigidity of a code. The enthusiasm for codification spurred by the Civil Code requires scholars to respond with a measured and rational approach.

Secondly, not every body of departmental law is suitable for codification. Codifying a legal code does not merely involve the categorization and compilation of all legal norms, which would only reflect the meaning of "compilation" and result in a simple collection of laws. "Drafting" signifies the

need to elucidate the connotations and interrelations of legal norms during the codification process, to make appropriate and necessary value judgments among various laws and regulations, and to identify the values that best represent the departmental law. This clarification determines whether the law can be codified into a code.

From the perspectives of "compilation" and "drafting," it is evident that a departmental law suitable for codification must possess two characteristics: a sufficient number of laws and regulations, and intrinsic value completeness. However, the latter characteristic is one of the main reasons why the environmental code remains contentious. Some scholars argue that, although China's Criminal Law does not present itself as a "Criminal Code," it embodies the essence of one. The principle of legality in criminal law demands its constant restraint, representing the unique intrinsic value completeness of criminal law. The principle of autonomy of will, as the overarching principle in the Civil Code, pervades the entire civil law, distinguishing it thoroughly from other departmental laws. In contrast, within the field of environmental law, scholars such as Lü Zhongmei and Zhang Zhongmin regard "sustainable development" as the value goal of an environmental code. Zhang Lu considers "ecological interest" as a basis for the independent interpretation of environmental law, while Wang Gan and others believe the concept of a "community of life between humans and nature" is essential for environmental governance.

The lack of consensus among scholars on the intrinsic value completeness of environmental law, with some propositions resembling idealistic declarations for environmental protection, highlights the necessity of identifying and substantiating the intrinsic value completeness of environmental law. This is a fundamental prerequisite for the codification of an environmental code.

4.2. Technical Challenges That Still Need to Be Overcome—The Boundaries of "Moderation" Remain Unclear

An ideal environmental code would possess a grand and rigorous logical structure in its form, characterized by distinct layers and a broad scope. In terms of content, it would unify principles and concepts, encompassing the three main areas of pollution prevention, natural resource management, and ecological protection. Moderate codification, however, is proposed as a compromise strategy to reconcile the idealism of a comprehensive code with practical challenges such as low legislative standards and a lack of codification experience. This implies prioritizing the functionality of the environmental code over its form. Based on this, scholars have proposed various approaches: dynamic moderation, focusing on the code's systemic efficiency from three dimensions; the "General Provisions + Sub-divisions" model, which integrates foundational content reflecting the essence of environmental law; and the approach of attaching natural resource law to the environmental code, among others.

Overall, scholars generally agree that, given the current state of environmental law development in China, it is not suitable to draft an overly comprehensive environmental code. Most scholars discuss codification plans from an epistemological perspective, while a few outline the rough framework of the code from the perspective of the environmental law system. From a micro perspective, the content of the code must exhibit a certain degree of logical coherence and abstraction. Considering the current state of environmental legislation in China, it is challenging to abstract the vast number of legal norms in a short period. The standalone laws are relatively loosely connected, and the integration of specific systems still requires further deliberation. For instance, what are the distinctions and connections between the "Water Pollution Prevention Law" and the "Air Pollution Prevention Law"? What is the logical mainline for including both in the pollution prevention division? These questions await clarification by legislators.

Furthermore, few scholars have addressed the issue of moderate codification of the environmental

code from the perspectives of judges and law enforcement officers. There has been no discussion on what kind of environmental code practical professionals need. Legislators have a macro perspective, and expert scholars have solid theoretical foundations; however, practitioners are well aware of the pain points. Focusing solely on the legislative perspective while neglecting judicial and enforcement perspectives can easily lead to an abstract and idealized code that does not meet practical needs.

5. Conclusion

The codification of environmental law seeks to delineate contentious concepts and harmonize conflicting systems and principles. This endeavor must take into account the national context and address primary concerns. Scholars from diverse fields offer valuable insights, yet we must acknowledge that foundational theories in environmental law remain underdeveloped, and legislative drafting techniques require further refinement. Even the nomenclature of the code is subject to debate. This article aims to elucidate the complexities surrounding the codification of environmental law, building upon existing research to provide a thorough summary and analysis. The codification process will undoubtedly be arduous, but with advancements in legal theory and the accumulation of legislative experience, the environmental legal framework will gradually evolve. Ultimately, China will formulate an environmental code with distinctive national characteristics, thereby providing robust institutional support for the construction of an ecological civilization.

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