

СТРУКТУРА, ПРОБЛЕМЫ И НАПРАВЛЕНИЯ РАЗВИТИЯ ПРАВОВОЙ СИСТЕМЫ ЗДРАВООХРАНЕНИЯ КИТАЯ

Пэн Хайцин,

д-р юрид. наук, проф., Пекинский политехнический университет, Китай, 100081, Пекин, Хайдянь, ул. Чжунгуаньцунь Юг, 5;

haiqingpeng2013@163.com;

00-86-13522761589

Го Чживен,

м-р юрид. наук, Пекинский политехнический университет, Китай, 100081, Пекин, Хайдянь, ул. Чжунгуаньцунь Юг, 5;

3220221925@bit.edu.cn;

00-86-1523323036

***Аннотация.** В настоящее время в Китае постепенно сформировалась относительно полная правовая система общественного здравоохранения, ориентированная на профилактику и контроль заболеваний, управление продуктами здравоохранения и укрепление здоровья населения, но в то же время эта система сталкивается с такими проблемами, как несбалансированная внутренняя структура, отсутствие отдельных законов высокого уровня, недостаточная дальновидность законодательства и отсутствие основного закона для сектора общественного здравоохранения, что требует развития сильных сторон и предотвращения недостатков в последующем законодательстве для содействия всестороннему развитию общественного здравоохранения и практической реализации стратегии “Здоровый Китай”. Поэтому необходимо развивать сильные стороны и избегать недостатков в последующем законодательстве, чтобы способствовать всестороннему развитию китайского здравоохранения и эффективной реализации стратегии “Здоровый Китай”.*

***Ключевые слова.** Правовая система общественного здравоохранения, профилактика и контроль заболеваний, товары для здоровья, укрепление здоровья.*

LOGICAL STRUCTURE, PROBLEMS AND DEVELOPMENT OF CHINA'S PUBLIC HEALTH LEGAL SYSTEM

Haiqing Peng,

Doctor of law, Professor of Criminal Procedure Law, Beijing Institute of Technology, 5, Zhongguancun South St., Haidian, Beijing, 100081, China; haiqingpeng2013@163.com; 00-86-13522761589

Zhiwen Ge,

Juris Master, Beijing Institute of Technology, 5, Zhongguancun South St. , Haidian, Beijing, 100081, China; 3220221925@bit.edu.cn; 00-86-15233230362

Abstract. *At present, China has gradually formed a relatively complete public health legal system focusing on disease prevention and control, health product management, and public health promotion, but at the same time, the system is also facing challenges such as unbalanced internal structure, few high-level single-executive legislation, insufficient foresight of legislation, and the lack of a basic law for the field of public health, etc., which need to be improved and avoided in the subsequent legislation to promote the comprehensive development of public health and practical implementation of the strategy of “Healthy China”. Therefore, it is necessary to build on its strengths and avoid its weaknesses in subsequent legislation in order to promote the comprehensive development of China’s public health and the effective implementation of the “Healthy China” strategy.*

Keywords: *public health legal system; disease prevention and control; health products; health promotion.*

1. Introduction. From a rights perspective, strengthening public health legislation is a necessary requirement for safeguarding the right to public health. The right to public health is a subconcept of the right to health, and the preamble to the Charter of the World Health Organization (WHO), promulgated in 1946, stipulates that the enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being, with “the highest attainable standard of health” being explicitly mentioned for the first time as the core meaning of the right to health in international law. The mechanism for realizing the right to public health has been constructed under the provisions of many international treaties. It is widely recognized that the right to public health is primarily a positive right under public law. This means that citizens have the right to obtain public health as a public good from the State, and the State has the obligation to safeguard and promote public health. In general, by strengthening its legislation in the field of public health, the State is fulfilling not only its constitutional obligations under domestic law, but also its obligations as a State party under international human rights law.

Secondly, from the perspective of long-term strategy, strengthening public health legislation is a proper way to promote the strategy of a healthy China. China is accelerating the construction of a healthy China. China has deployed key tasks in the construction of a healthy China in terms of popularizing a healthy life, optimizing health services, improving health protection, building a healthy environment and developing health industries. The Outline of the “Healthy China 2030” Plan is a programmed of action for promoting the construction of a healthy China in the next 15 years, which is not only of great significance for building a moderately prosperous society in an all-round way and accelerating the advancement of socialist modernization, but is also an opportunity for China to actively participate in the governance of global health and to fulfil its commitment to the United Nations’ “2030 Agenda for Sustainable Development”. It is also an important measure for China to actively participate in global health governance and fulfil China’s commitment to the United Nations’ “2030 Agenda for Sustainable Development”. The 19th CPC National Congress clearly put forward the “implementation of the Healthy China Strategy”. The 20th Party Congress re-emphasized the importance of “promoting the construction of a healthy China” and “placing the protection of people’s health in the strategic position of priority development”. Undoubtedly, promoting the construction of a healthy China is a major strategic programmed in the field of public health in China in the new era, and strengthening public health legislation is precisely a response to the strategy of a healthy China.

2. Logical structure of China’s public health legal system. In China, in conjunction with the public health laws currently in force, the Chinese public health legal system logically consists of three major modules: “disease prevention and control”, “health products” and “health promotion”. In China, the public health legal system logically comprises three major modules: “disease prevention and control”, “health products” and “health promotion”, and different regulatory systems exist in these three areas.

2.1. Regulatory system in the field of disease prevention and control. First, the prevention and control of infectious diseases. The ravages of the new coronavirus have given people a deep experience of the

serious threat posed by infectious diseases to public health.¹ The prevention and control of infectious diseases has always been a core area of public health legislation. The legal framework in this area consists mainly of three tiers of centralized legislation: the first tier consists of four important laws, the State Border Sanitary and Quarantine Law (1987), the Infectious Disease Prevention and Control Law (1989), the Emergency Response Law (2007) and the Vaccine Administration Law (2019), enacted by the supreme legislature. Among them, the State Border Sanitary and Quarantine Law regulates quarantine, infectious disease surveillance and health supervision at national borders, aiming to interrupt the international spread of infectious diseases; the Infectious Disease Prevention and Control Law establishes China's strategy of prevention-oriented prevention and control of infectious diseases, and classifies infectious diseases into three categories, namely, A, B, and C, and establishes the corresponding preventive and control measures in accordance with this; the Law on Response to Emergency Situations covers the response to public health emergencies The Law on Response to Emergencies covers the response to public health emergencies; the Law on Vaccine Administration implements whole-process supervision of the research and development, production, circulation and vaccination of vaccines, and stipulates that the state implements the strictest management system for vaccines. The Regulations on Emergency Response to Public Health Emergencies (2003), an administrative regulation promulgated by the State Council, constitutes the second tier of centralized legislation in this area, and is specifically designed to provide for emergency prevention, preparedness, reporting and information dissemination in the event of public health emergencies, marking the fact that China has put the prevention and control of public health emergencies on a legalized track. In order to further refine and implement the administrative regulations of the State Council, the Ministry of Health's two departmental regulations, the Measures for the Administration of Monitoring and Reporting Information on Public Health Emergencies and Infectious Diseases (2003) and the Measures for the Administration of

¹ See: Ren Ying, Chang Tingbin. *Research on the path of public health legislation in China: Institutional advantages and legal protection of Party-led legislation // Nomocracy Forum*. 2022. No. 1. P. 22-32.

Prevention and Control of Infectious Atypical Pneumonia (2003), form the third tier of central-level legislation. In this way, there is a clear hierarchy of legal effects from laws to administrative regulations to departmental regulations, forming a three-tier system at the central level. However, the supporting implementation mechanism for the Law on the Prevention and Control of Infectious Diseases is still inadequate, as can be seen by the fact that, although the series of supporting norms and related laws and regulations have worked together to promote the implementation of the system for the prevention and control of infectious diseases, there is a lack of consistency in the pace of revision of the Law on the Prevention and Control of Infectious Diseases.²

Second, prevention and control of occupational diseases. Of the legislation currently in force, this area includes the Law of the People's Republic of China on Prevention and Control of Occupational Diseases (2018) of the National People's Congress (NPC), the Measures for Investigating and Handling Accidents of Occupational Disease Hazards (2002) of the Ministry of Health (MOH), the Measures for the Administration of Occupational Health Surveillance (2002) and the Measures for the Administration of National Occupational Health Standards (2002). These pieces of legislation provide workers with a range of rights, such as the right to occupational health, the right to special protection, the right to refuse to take risks and the right to compensation for damages. In particular, the Occupational Disease Prevention and Control Law, as the foundational law in the field of occupational disease prevention and control in China, is of great significance in preventing, controlling and eliminating the hazards of occupational diseases, protecting the health rights and interests of laborers, safeguarding public health and safety, and promoting sustainable and healthy socio-economic and human resources development. However, from the standpoint of the construction of a legal system, a three-tiered central legislative system has yet to be formed in this area, with only two levels of effectiveness, laws and departmental regulations, and a lack of administrative regulations.

² See: Ren Ying. *The jurisprudence and strategy of integrated legislation of public health in China* // *Nomocracy Forum*. 2021. No. 3. P. 140-150

Thirdly, the prevention and control of mental illness. This area is specialized in that there is currently only one Mental Health Law (2018).³ This law specifies the protection of the legal rights and interests of people with mental disorders and the right of patients with suspected mental illness to be sent for treatment, regulates the inpatient medical care system for people with mental disorders and the protection of their personal freedom and public security, and provides for a rehabilitation system for mental disorders. However, from the perspective of legal system theory, there is only the first of three tiers of central legislation in this area, and there is a lack of administrative regulations and departmental rules, resulting in the lack of a complete legislative system for the prevention and control of mental illness. The reason for this is that China's legislation in the field of mental health has just begun, and the relevant supporting systems have yet to be perfected.

2.2. Regulatory system in the field of health products. First, the legal regulation of food safety. From the Ministry of Health's Interim Measures for the Administration of Refreshing Food (1953), to the Food Hygiene Law of the People's Republic of China (Trial) (1982), to the Food Hygiene Law of the People's Republic of China (1995), and finally to the Food Safety Law (2009) and its latest revised version in 2021, this series of laws and regulations have been continuously improved to provide regulations on a wide range of issues, including risk monitoring and assessment of food safety, food safety standards, food production and operation, food labelling, instructions and advertisements, food inspection, and food import and export. , food safety standards, food production and management, food labelling, instructions and advertisements, inspection of food, import and export of food, and many others. In addition, the legal regulatory system on food safety includes more than a dozen administrative regulations and departmental rules currently in force, including the Regulations on the Implementation of the Food Safety Law of the People's Republic of China (2009) promulgated by

³ See: *Qu Ya-nan, Liu Hui-min. Research on China's participation in Global public health security Governance Cooperation under the framework of international law: Responding to global public health events with the concept of a community with a shared Future for Mankind//Journal of Shenyang Agricultural University (Social Sciences Edition) 2021. No. 2. P. 209-215.*

the State Council and the Measures for the Administration of Food Safety Sampling (2019) promulgated by the State Administration for Market Supervision and Administration, as well as dozens of important supporting normative documents. The implementation of these regulations and normative documents has provided an important guarantee for the continuous improvement and development of China's food safety legal system. Compared with other areas of public health, China's legal system in the area of food safety is relatively sound. The modernization of food safety governance is an important part of the modernization of social governance, and improving its safety system can be considered a top priority.⁴

Secondly, the legal regulation of drug safety. The legal regulatory system for drug safety consists of three levels of legislation at the central level. First, the Drug Administration Law (2019), as the most effective law, aims to protect and promote public health, and fully implements the “four strictest” standards of the most rigorous standards, the strictest supervision, the harshest penalties and the most serious accountability. The effective implementation of this law has strongly safeguarded the safety of medicines for the public and has made an important contribution to the construction of a healthy China.⁵

Administrative regulations such as the Regulations on the Implementation of the Drug Administration Law (2021) and the Regulations on the Protection of Varieties of Traditional Chinese Medicines (2018), which are the second tier of legislation, provide specific implementation rules and supplementary provisions for the legal regulation of drug safety. The third level of legislation is departmental regulations such as the Measures for the Administration of Drug Registration (2007) and the Measures for the Supervision and Administration of Drug Distribution (2006). These regulations clarify specific provisions and requirements for drug registration, distribution and other aspects of drug safety, further refining the legal system for drug safety.

⁴ See Xiao Pinghui. *The dilemma of basic theory of health law and the reconstruction of methodology*//*Academic Research*.2023. No. 11. P. 76-80.

⁵ See: Liu Zhixin. *Filling the loophole of public health law system – taking four special administrative laws as the object of analysis*//*Law-Based Society*.2023. No. 6. P. 55-69.

2.3. Regulatory system in the field of health promotion. First, legal regulation of sanitation in public places. Legal regulation in this area includes the Regulations on the Management of Hygiene in Public Places (2019), the Regulations on School Hygiene Work (1990), and the Measures for the Administration of Hygiene and Health Care in Nurseries and Kindergartens (2010). These laws, regulations and rules provide for the hygiene management of public places, the supervision of school hygiene, and the health care of nurseries and kindergartens, and clarify the supervisory responsibilities of health prevention and epidemiological agencies at all levels, which provide safeguards for improving the hygiene conditions of public places, preventing diseases, and safeguarding human health. However, the problems in this area are mainly the low level of legislation, insufficient supporting systems, and the fact that established supporting systems cannot be amended in a timely manner. Therefore, there is a need to further improve the relevant laws, regulations and rules, raise the level of legislation, and strengthen the development and implementation of supporting systems in order to better safeguard the rights and interests of the public in terms of health.⁶

Second, legal regulation of reproductive health protection. The legislative system in this area is mainly composed of the following parts: first, the Maternal and Child Health Care Law (2017) promulgated by the supreme legislature, which provides fundamental legal safeguards for maternal and child health; second, the Measures for the Implementation of the Maternal and Child Health Care Law (2001) promulgated by the State Council, which further details the implementation rules and specific measures of the Maternal and Child Health Care Law; and further, the 2002 promulgation by the Ministry of Health of the Two departmental regulations, the Norms for Premarital Health Care Work (Revised) and the Measures for the Administration of Prenatal Diagnostic Techniques, regulate and manage specific work, such as premarital medical examinations and prenatal check-ups.⁷ The introduction of these laws, regulations and rules marks the formation of a relatively com-

⁶ See: Yin Jun. *Reconstruction of the concept of international disputes on major public health emergencies* // *Legal Forum*.2023. No. 6. P. 16-28.

⁷ See: Li Yongxuan. *Study on China's contribution to global health soft regulation system* // *Hebei Law Science*.2023. No. 12. P. 118-133.

plete three-tiered legislative system for maternal and child health work in China, bringing specific management work onto the legal track and providing strong legal safeguards for women's and children's health.

3. Problems facing China's public health legislative system

3.1. Insufficient forward-looking legislation. In the field of public health, the role of the law is crucial, as it provides fundamental norms and guarantees for the protection of public health. However, the law must be secure and stable, which means that it must not be subject to frequent changes, which may also result in the law lagging behind and failing to adapt to changes in social life to a certain extent. Legislation in the field of public health is often related to major emergencies and therefore exhibits a problem-oriented character. This characteristic makes legislation less forward-looking, as legislators tend to legislate in response to problems only after an event has occurred, rather than anticipating and preventing problems in advance.⁸

In order to solve this problem, legislators need to be fully aware of the limitations of the law and, on that basis, organically combine the adjustment mechanism of legal norms with other social adjustment mechanisms. Firstly, the timely formulation of non-legal normative documents: these include policies, opinions, instructions, etc., which are often highly instructive, forward-looking and flexible. In the field of public health, in addition to laws and regulations, there are also a large number of opinions, guidelines and policies of normative documents.⁹ These documents can be timely "health into all policies", reflecting the development of public health and the development of the law and the priorities of the new period. The second is to transform informal sources of law into legislation in a timely manner: from the point of view of China's legal practice, rules with legal effect are not only laws and regulations, but also jurisprudence, customs and policies can be used as the basis for judicial decisions under certain special circumstances. Transforming these informal sources of law into legislation can help strengthen the foresight of the law. Looking back on China's medical and healthcare legal system, it is not difficult to find

⁸ See: MA Qinglian. *Analysis on the construction of public health law system in our country* // *Medicine & Jurisprudence*.2023. No. 12. P. 118-133.

⁹ See: Chen Yunliang. *The Way of public health law for high-quality development* // *Seeker*.2023. No. 2. P. 150-160.

that public health legislation has always been based on the public health policy, highlighting the inevitable requirements and ultimate goal of China's public health work. Therefore, through the above methods, we can better combine public health legislation with practical work, improve the foresight and adaptability of the law, and provide more comprehensive and effective protection for public health.

3.2. High level of fragmentation of legislation. The rule of law in China's medical and health care sector has been advancing continuously, but the multidisciplinary and strongly technical nature of the medical and health care sector, as well as the fact that the health law community has yet to reach a consensus on basic concepts and fundamental theories, have led to an unsatisfactory provision of a legal system for medical and health care in China. There is fragmentation in the legislative process, making it difficult to develop a unified health law code. The introduction of the Basic Medical Care and Health Promotion Law (2020) signaled that the field of medical and health legal system has a basic law of its own. In the field of public health, which is part of the medical and health legal system, consideration can be given to the formulation of a basic law on public health in order to solve the fragmented and fragmented state of the legal provisions on public health and make the public health legal system more scientific. As medical and health legal theory matures and legislative techniques continue to improve, it is feasible to speed up the construction of a medical and health legal system, since the construction of a code of any sectoral law must be premised on the scientific construction of that sector's legal system.¹⁰

In its future development, China should continue to deepen the rule of law in the field of medical and health care, and to strengthen legal theoretical research and legislative technology in order to promote the scientific construction of the public health legal system. Through the formulation of a basic law on public health and related laws and regulations, all aspects of public health should be brought under legal regulation to ensure that the public's health rights and interests are effectively safeguarded. At the same time, attention should be paid to organic integration with other social adjustment mechanisms, to improve the fore-

¹⁰ See: Hou Xuemei, Wang Xiangqian, Zhu Mingxia. *Discussion on the revision of Mental Health Law// China Health Law*.2023. No. 1. P.76-82+75.

sight and adaptability of the law, and to provide a solid legal foundation for the development of public health in China.

3.3. Imbalances in the internal structure of the legislative system.

From the perspective of the legal system, legislative balance among sectoral laws is not absolutely necessary, but excessive imbalance is also unscientific. Legislation should be based on the needs of social reality, and timely follow-up and reach a general balance in the quality and quantity of the various sectoral laws, which is the requirement of legislative progress. China's public health legal system covers three areas: disease prevention and control, health products, and health promotion, and there is a great imbalance in legal regulation.¹¹This imbalance is reflected both in the large differences in the quantity of legislation in the three areas, and in the imbalance in the level of effectiveness of the legislation.

Firstly, in terms of the number of pieces of legislation, the health product area has the most, including the Food Safety Law and its accompanying various levels of legislation amounting to dozens of pieces of legislation, while the number of pieces of legislation in the areas of disease prevention and control and in the area of health promotion decreases considerably in that order. Secondly, in terms of the level of effectiveness of legislation, the field of disease prevention and control has the most high-level legislation, followed by the field of health products, and the field of health promotion has the least amount of high-level legislation. The reason for this situation is mainly due to the fact that the need for institutionalization in each area arises sooner or later, and is related to the degree of national and social concern, as well as the strength of the people's interests and aspirations. For example, food safety in the field of health products has received strong attention from the people since the early days of the founding of the nation, so there has been more legislative practice in this field, and its internal legal system is more complete.¹²In the area of health promotion, on the other hand, the people's concern arose at a later stage, and the corresponding legislation reflects

¹¹ See: Zhang Ji. *Three Aspects of Research on Public Health Law in China: A Review of Public Health Law: Ethics, Governance and Regulation*// *Science and Technology Management Research*.2022. No. 22. P.230-231.

¹² See: Liu Mu, Wang Yue. *Evidence of codification of Chinese health law*// *Medicine & Philosophy*.2022. No. 7. P.52-57.

the low level of effectiveness of the legal documents and the incomplete content of the provisions. In the area of prevention and control of mental illness, for example, there is only the first of the three levels of central legislation, with a lack of transitional legislation in the form of administrative regulations, not to mention departmental regulations, which has resulted in the lack of a complete legislative system for the prevention and control of mental illness.

In accordance with the requirements for strengthening the public health governance system and building governance capacity put forward in the report of the Twentieth National Congress of the Communist Party of China (CPC), it is necessary to continue to harmonies the legislation in various fields within the CPC, to strengthen the number and level of legislation on public health, such as health in public places, and to make up for the shortcomings of legislation in the field of public health health promotion; and at the same time to strengthen the legislation on the prevention and control of mental illnesses, and to formulate the corresponding administrative regulations in order to better implement the Mental Health Law promulgated by the highest legislative body. In addition, the construction of departmental regulations should also be followed up, because the operability of departmental regulations, especially the technical operation norms of the health sector, can make the laws of the supreme legislature play a practical role.¹³ Therefore, in order to achieve a balanced development of the public health legal system, it is necessary to strengthen the coordination of legislation between various fields and improve the quality and efficiency of legislation. At the same time, emphasis should be placed on close integration with the real needs of society, and the legal system should be constantly improved and updated in order to better safeguard the public's health rights and interests.

4. Progress in the development of China's public health legislative system

4.1. Clarifying the value of public health legislation and insisting on the coordinated development of urban and rural areas. Public health legislation should emphasize substantive fairness while insisting on efficiency, making the livelihood and equalization of medical and health

¹³ See: Shen Weixing. *Building the rule of Law in public health: Significance, value and mechanism*// *Jinan Journal (Philosophy & Social Sciences)*.2022. No. 1. P.13-28.

resources the value pursued in today's public health legislation; insisting on the promotion of the coordinated development of urban and rural public health, and insisting on the equal importance of epidemic prevention and health care. Based on the scarcity of national health resources as well as administrative resources, China's current public health legislation favours the pursuit of efficiency. However, according to history and practice, the mere pursuit of efficiency and a favourable situation in terms of political performance is not conducive to the overall development of China's public health. In public health legislation, greater efforts should be made to develop rural public health.

First of all, we should guarantee the input of financial and various medical resources for rural public health. We should further promote rural medical reform and take effective measures to reduce the uncoordinated input of resources into the public health governance system, which is dominated by administrative mechanisms. Second, we can learn from the model of urban-rural exchange and communication in the field of public health adopted in the early days of the founding of New China, and adopt legislation to promote medical talents and medical science and technology enterprises in society to take the initiative to devote themselves to the construction of public health in rural areas. It should further increase financial subsidies for medical technology enterprises to go to the countryside, and regularly carry out activities such as medical experts going to the grassroots and medical technology going to the grassroots, so as to build a good institutional platform for rural public health organizations and institutions. In addition, China should further clarify the allocation of responsibilities for rural public health publicity and education in grass-roots health laws and regulations and policy documents, and enrich the mode of publicity and education, so as to realize the change of customs and promote the formation and improvement of villagers' public health awareness.

4.2. Leveraging the role of the market to optimize the government service delivery model for public health. In today's China, how to build an efficient "service-oriented government" is an important issue. Public health services are an important part of government services. Therefore, how to improve China's public health service is particularly important at present. As public health has the characteristics of public goods, which requires unpaid inputs, and most of the public health services do not

bring large profits, the public health sector needs to be led by the government. However, the highly administrative governance of public health under the market mechanism obviously inhibits the level and quality of public health services. In fact, the role of market incentives and the participation of social organizations in monitoring have, in practice, demonstrated positive effects on the development of public health. Therefore, we should explore the boundaries between the State and the market in public health governance, expand the space for market mechanisms to operate in public health, and promote the further development of public-private partnerships.

China's public health legislation often attaches importance to the interests and demands of the demand side, with the protection of the quality of public health services for citizens being the top priority; however, it often ignores the reasonable demands of the supply side, such as the adoption of an administrative hierarchy in the management of the salaries of medical staff and staff of epidemic prevention agencies. As a result, clinical and grass-roots health administration staff salaries are low; and the promotion of administrative grades is often linked to the publication of academic papers, which leads to such as the Centre for Disease Control and other government-led management of the public health administration in the staff, pay more attention to the theoretical level of the inquiry, ignoring the reality of the need to put their feet on the ground. Therefore, the government should reform the salary system in the health field to protect the reasonable demands of public health service providers and to stimulate the development of public health.

In addition, the provision of some public health services requires a large amount of technical and financial input, and such public health services are specialized in nature, which the Government, as an administrator, may not be able to meet. Therefore, for this type of public health service, the government can give up its power to the people and form partnerships with medical and health enterprises and laboratories through such channels as contracting, franchising, and providing subsidies, so as to jointly achieve the purpose of public health services. In other words, in the current stage of public health construction, the government should actively guide the health sector to participate in the construction of public health, communication and collaboration with

the main body, rather than purely administrative control means to suppress the vitality of the main body.¹⁴

4.3. Integration of the public health legislation system on the basis of the Basic Law on Public Health. Public health legislation has a bearing on the health of the nation and the safety of life, and involves all areas and contents of public health. Therefore, the basic law on public health is indispensable in order to systematically solve the problems in various fields of public health and improve the public health legislation system. The Law of the People's Republic of China on Basic Medical Care and Health Promotion (2020) is the first comprehensive law in the field of public health in China, and it fixes the values and orientation of China's public health legislation, clarifies the basic principles, and sets out the basic direction of reform and development, thus enabling the coordinated development of the various separate laws on public health under its umbrella.

The fragmentation of China's public health legislation has made it difficult to coordinate the various public health laws, and they may even be in conflict with each other. China should systematically collocate the complex state of public health legislation, understand the problems in the existing public health legislation system, and revise and improve it; further emphasize the individual rights and health protection of citizens in public health legislation; and stipulate the obligation to notify the public in case of public health emergencies, as well as the citizens' right to information, right to personal integrity, and right to freedom of the person to guarantee the convergence between public health legislation and the civil code; and construct a health basic law guided by the Constitution, with the health law as the basic law.¹⁵

Public health legislation should be connected to the Civil Code; a public health legislation system should be constructed with the Constitution as its guide, the Basic Law on Health as its core, administrative health legislation as its mainstay, health-related civil, criminal and so-

¹⁴ See: Chen Weiwei, Liu Yi. *On Health Law: Discipline Orientation, Logical starting Point and System Construction*// *Social Science Research*.2022. No. 1. P.106-112.

¹⁵ See: Chen Yunliang. *Promoting the transformation of public health legal system into public health rule of law system*// *Social Science Research*.2021. No. 9. P.17-37.

cial security legislation as a supplement, and relevant economic legislation as a guarantee, so as to ensure that the government's public health service behavior is based on the law.

5. Conclusion. The construction and improvement of China's health law system is related to the effective protection of every citizen's right to health, and the real realization of the national governance goal of a healthy China. At present, China has basically built a health law system with Chinese characteristics, but there is still room for development and improvement, and it is necessary to uphold the basic legal values, respect the law of the market and the rational logic inherent in the legal system, and continue to explore. The research in this paper is only a preliminary attempt, and more valuable results depend on the attention and wisdom of more scholars.

References

1. Ren Ying.2022. Chang Tingbin. Research on the path of public health legislation in China: Institutional advantages and legal protection of Party-led legislation *Nomocracy Forum* 1. 22-32. (In Chinese)

2. Ren Ying. 2021.The jurisprudence and strategy of integrated legislation of public health in China. *Nomocracy Forum* 3. 140-150. (In Chinese)

3. Qu Ya-nan. 2023.Liu Hui-min. Research on China's participation in Global public health security Governance Cooperation under the framework of international law: Responding to global public health events with the concept of a community with a shared Future for Mankind. *Journal of Shenyang Agricultural University (Social Sciences Edition)* 2. 209-215.

4. Xiao Pinghui.2023. The dilemma of basic theory of health law and the reconstruction of methodology. *Academic Research* 11.76-80.

5. Liu Zhixin. 2023.Filling the loophole of public health law system – taking four special administrative laws as the object of analysis. *Law-Based Society* 6. 55-69.

6. Yin Jun.2023. Reconstruction of the concept of international disputes on major public health emergencies. *Legal Forum* 6. 16-28.

7. Li Yongxuan. 2023.Study on China's contribution to global health soft regulation system. *Hebei Law Science* 12. 118-133.

8. Ma Qinglian. 2023.Analysis on the construction of public health law system in our country. *Medicine & Jurisprudence* 12. 118-133.

9. Chen Yunliang. 2023.The Way of public health law for high-quality development. *Seeker* 2. 150-160.

10. Hou Xuemei, Wang Xiangqian, Zhu Mingxia. 2023.Discussion on the revision of Mental Health Law. *China Health Law* 1. 76-82+75.

11. Zhang Ji. 2022. Three Aspects of Research on Public Health Law in China: A Review of Public Health Law: Ethics, Governance and Regulation. *Science and Technology Management Research* 22. 230-231.

12. Liu Mu, Wang Yue. 2022. Evidence of codification of Chinese health law. *Medicine & Philosophy* 7. 52-57.

13. Shen Weixing. 2022. Building the rule of Law in public health: Significance, value and mechanism. *Jinan Journal (Philosophy & Social Sciences)* 1. 13-28.

14. Chen Weiwei, Liu Yi. 2022. On Health Law: Discipline Orientation, Logical starting Point and System Construction. *Social Science Research* 1. 106-112.

15. Chen Yunliang. 2021. Promoting the transformation of public health legal system into public health rule of law system. *Social Science Research* 9. 17-37.

