

Chinese Animal Protection Legislation of Law and Economics Analysis

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Abstract: In terms of animal protection legislation, there is a lack of law in our country, which makes existing conflicts unable to be resolved in an orderly manner through legal channels, creating an untenable situation. This article analyzes the contradictory relationship between China's "animal protection" and the economic and social development from the perspective of "efficiency - fairness" law and economics, and provides a path for China's animal protection legislation by studying the contradictory points between legal requirements and legislative dilemmas.

The issue of animal protection involves many complex factors, and it is still an arduous and long-term task to comprehensively improve the level of animal protection, requiring the joint efforts of the whole society. China's first "People's Republic of China Animal Protection Law (experts recommend draft)" has already been completed, and on September 18, 2009, officially publicized for comments, but not yet implemented. This article starts from the current status of animal protection in China and the obstacles and obstacles to legislative protection, hoping to start from the perspective of "efficiency-fairness" law and economics, and reveal the opposite relationship between animal protection and economic and social development in my country. Protection legislation provides path analysis.

1. "Economy" and "animal protection legislation"

Due to the early development of animal protection legislation in economically developed countries, animal protection-related laws are not only effectively used in their respective territories, but also agreed to be followed in international trade. If a product does not comply with animal welfare regulations, and If the product is boycotted by customers in this country, the progress of the business will be affected.

As far as my country is concerned, this kind of legal boycott and prohibition can be justified as the condition standard and access restriction of trade. Due to the obstacles in Chinese animal protection and animal welfare legislation, not only the export of meat products in mainland China is difficult, but the safety of food sold by overseas Chinese is often questioned. Chinese foreign trade that does not meet the regulations is often subject to international animal protection organizations. Resist. Chinese backwardness in animal protection has seriously affected Chinese foreign exchange and international image.

2. Our animal protection legislation opposing theory sluggish demand and legislation

Due to the absence of legislation related to animal protection, some social chaos cannot be resolved in time. Qinghua student's sulfuric acid spilt from a bear, to slaughter buffalo Guizhou ethnic festivals, whether civil law or criminal law, in its intervention on the value of the object of protection, is limited. The issue of animal protection is still at the social level, and only a vague morality can be used as a value judgment standard without definite private power to replace the social control that should be performed by the public administration.

These factors have a lot of status quo, for example, the neglect of animal protection legislation in Chinese academic circles, the theory of underdevelopment, not as legislative support; our people's

awareness of animal protection forms a severe polarization, and theory Hysteresis makes ethics develop far beyond legal norms.

3. The economic structure, the cultural tradition of the legislative process block

3.1 Regional financial network and unbalanced development

Regional economic development is a crucial focus of Chinese economic policies. Due to the influence of natural conditions, history, and habits, various regions in our country have different economic structures. The financial system related to the animal industry occupies a substantial proportion in some areas. The regional financial system is closely associated with the traditional sectors and food customs of the room.

First of all, regional natural conditions, cultural customs and local traditional economic models cause poor conditions for the implementation of animal protection legislation. Secondly, some economic animal breeding as a pillar industry is in conflict with the international environmental protection trend. Finally, improper supervision and management can quickly bring about health and personal safety hazards.

3.2 Regulatory difficulties in the black industry chain

The difficult problem of black industrial chain supervision has caused the dilemma of animal protection legislation. Cats and dogs are classified as "accompaniment animals" in the Western legal classification of animals, but in China, they are classified as "economic animals". Animal transportation must be issued with a printed inspection and quarantine certificate. , Dog inspection and quarantine must be inspected and quarantined one by one, with one certificate per cat and one certificate per dog. None of the interception sites meets the requirements of national laws and regulations for food inspection and quarantine, and sick dogs cannot pass formal quarantine.

The existence of the black industry chain of eating cat and dog meat does not have the legitimacy of food safety. The main reasons are: in terms of quarantine, eating cat and dog meat is particularly unsafe; cost and price inferences are not quarantined, and the source is illegal; caused by criminal robbery Hidden economic losses and infringement of rights without legal protection.

4. The relationship between animal protection legislation and "efficiency-fairness"

Law and economics focus on the use of economic methods as tools and perspectives to analyze the legal system, and its purpose is to reform and improve the legal system. The relationship between legal system principles and economic efficiency and fairness is the object of law and economics research. From the logical perspective of the market economy, whether it is necessary to legislate on animal protection in my country can be investigated with efficiency and benefit as the main objectives.

Through legal transplantation, drawing on internationally recognized animal protection and animal welfare laws and regulations, and implementing them following these standards, the economic structure of some regions in China will undergo significant changes, which may cause a series of economic and social problems. A legal system that does not conform to the social foundation is not only challenging to reach the optimal level, but under certain conditions, the opposite operation will occur, and the phenomenon of "law failure" with the high cost and low effect appears. Chinese animal protection legislation urgently needs to be considered from the paradigm of law and economics, following the balanced structure of efficiency and fairness, to determine the standard and degree of legislation to be carried out to meet the social foundation and ensure the implementation effect.

First, animal protection legislation takes into account both efficiency and fairness. And efficiency is the most significant fairness in the economic sense, and efficiency can also enrich the meaning of righteousness in economic and social production. In Chinese pet breeding and domestication, animal medical treatment, and non-governmental rescue methods, there are also abundant and substantial business opportunities.

Clarifying and providing necessary legislative protection is to promote the economy and society. Not only is it in line with the law's goal of pursuing justice and fairness, but it also gives the animal protection legislation the connotation of efficiency and benefit. Therefore, animal protection legislation takes into account both efficiency and fairness.

Second, animal protection legislation improves efficiency and effectiveness. Although from the economic situation of some regions, animal protection legislation is bound to damage the old economic structure, it has a long-term role in promoting efficiency and benefit. As far as Chinese animal protection status is concerned, animal legislation protection can promote.

The intensive development of animal-related industries, and due to the development of new media, widespread attention and the improvement of people's production and living standards, the development of companion animal exhibitions, competitions, breeding-related industries and the concept of companion animal protection have been entirely in line with international standards. Predictive legislation before the arrival of economic blockage is to improve efficiency and effectiveness.

Third, the purpose of improving the efficiency of animal protection legislation is still for fairness. Once efficiency loses the social standard of righteousness, it will inevitably go astray and slip to the opposite side of efficiency. At the beginning of the economic construction of New China, the level of economic development and social progress of western developed countries was studied, but these studies did not include

The content of animal rights and animal welfare fails to accurately predict the consequences of the lack of science and technology and legal constraints.

Fourth, animal protection legislation conforms to the logic of rational nature in economic society. The so-called human rationality means that everyone can optimize all the opportunities and goals they face and the means to achieve them through cost-benefit comparison or the principle of seeking advantages and avoiding disadvantages. The introduction of legislation related to animal protection is a necessary means for our country in the process of internationalization; it can also create a legally based choice for social disputes and disputes. When rational people face legal constraints, they will naturally choose The traditional method is to seek advantages and avoid disadvantages; it can significantly enhance the guiding role of the law and enable rational people in the economy and society to choose the animal industry production method that meets the legal requirements. This is more in line with the sensible and regular use of animals for human welfare.

5. Chinese animal protection legislation path from the perspective of law and economics

5.1 Reasonably choose to prioritize the prohibition of cruelty and killing of animals into the scope of public law protection

Although the "animal protected by law" and "animals have rights" are two different concepts, but the animal either as subject or object in the law only and no essential difference. For the abuse and killing of animals, starting from anthropocentrism, such behaviour is blasphemy of human nature and arousal of "evil", and constitutes an offence or even harm to human nature. Based on the protection of the universal rights of human beings, the prohibition of cruelty and killing of animals under the public law system is not the realization of animal rights, but the realization of human rights. Therefore, as a way of rational choice, we should proceed from the urgent need in reality and put aside the dispute between "animal welfare" and "animal rights" in the theoretical analysis of Chinese legal circles, to prohibit the "cruel and cruelty to animals". The legislation is the entry point. On the academic level of "animal object theory", we can realize the beginning of Chinese animal protection legislation under the public law system, change the dogmatic attitude in animal protection legislation, and guide society toward a civilization that matches the image of a big country with top-level design. The process moves forward.

5.2 Gradually create a legislative environment based on transaction cost classification

When Posner discussed the market, supply, demand, and price of law, he emphasized that the

legal system requires costs. These costs include not only the cost of property rights definition but also the cost of rights transactions under the legal framework. Transaction costs will be incurred in the process of negotiation, signing, and supervision. High transaction costs will create obstacles to private transactions, thereby affecting the efficiency of resource allocation.

Judging from the current situation of animal protection in our country, the direct legal transplantation of the legislative experience of advanced Western countries has invested a large amount of law enforcement costs in a short period. It has also made it difficult for existing economic organizations and legal persons to complete the transaction due to high transaction costs. Therefore, for the rational realization of efficiency and fairness in long-term consideration, the country needs to create a legislative environment gradually.

6. Conclusion

Although on the surface, the government can create laws and regulations arbitrarily according to its own needs, institutional innovation is not difficult. However, the conditions and costs of law formulation and implementation limit the government's choice. The surface is not uniform, and the interests of the animal protection legislation do not demand urgent is our animal protection legislation has long been neglected main reason. However, Chinese animal protection legislation is related to the long-term interests of society, especially the need for relevant laws against abuse and killing is imminent. Therefore, starting with opposing the cruelty, cruelty and killing of animals is more in line with current Chinese needs for animal protection legislation. Respect the choices of rational people in the market economy, and apply the minimum restraint against abuse and killing, and gradually establish a harmonious situation in line with the international society and co-prosperity with the natural world.

Whenever human beings are proud or ashamed of a particular form of civilization and progress, they cannot ignore the evolution of the way of expression by argument to allow morality, the rule of law, and ideas to move forward, and give the society as a whole time for acceptance and recognition in the argument. It is usually very long.

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