



Development of Low-Carbon Finance Helps the Construction of China's Low-Carbon Financial Legal System

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Abstract: The massive consumption of coal, oil and other resources has led to a significant increase in greenhouse gas emissions and global warming, seriously threatening the ecological environment. Achieving low-carbon development has become a common goal pursued by all countries. On this basis, China has put forward the goals of carbon peaking by 2030 and carbon neutrality by 2060. The best way to solve this problem is to promote low-carbon finance. Low energy consumption and low pollution have become the core of green economic development, which reasonably improves the status quo of serious environmental pollution and promotes the realisation of high-quality development of the social economy. Since the 19th National Congress, China's economic development has shifted from high-speed growth to the development stage of high-quality growth, and this shift not only requires sustained and stable economic growth, but also emphasises the protection of the ecological environment and sustainable development. The development of low-carbon economy not only helps to reduce greenhouse gas emissions and protect the ecological environment, but also promotes the optimisation and upgrading of the economic structure, achieving a win-win situation for the economy and the environment. However, the healthy development of low-carbon economy needs strong institutional guarantee. In particular, the improvement of the low carbon financial legal system.

Keywords: low-carbon finance, legal system, construction, low-carbon economy

1. Research background of low-carbon financial legal system

1.1 The development of low-carbon finance

As the pace of industrialisation continues to accelerate, the natural ecological environment is under heavy pressure, with the gradual decline in air quality and the increasingly serious problem of environmental pollution. These problems not only aggravate the heat island effect and greenhouse effect, but also have a serious impact on people's quality of life. After the founding of New China, the first Five-Year Plan was implemented, focusing all efforts on industrial development, and the process of industrialisation was accelerated. During this period, the development of urbanisation driven by industrialisation has become a significant feature of modern urban development. The acceleration of urbanisation has led to the rapid development of China's economy, but at the same time it has also brought about the destruction of the natural ecological environment. The huge changes in population and economic scale have made the environmental problems caused by the process of energy use particularly prominent, such as the rising concentration of CO₂ in the atmosphere, resulting in global warming, glacier melting, geological environment has changed greatly, these phenomena have become a global problem. Low-carbon finance, specifically, means that in order to achieve sustainable financial development, greenhouse gas emissions should be reduced to the greatest extent possible, and carbon emission rights should be used as the subject of trading to formulate a financial legal system and carry out financial trading activities, such as trading and investing in carbon emission rights and their derivatives, and direct investment and financing activities for the development of some low-carbon projects.

1.2 The current status of low-carbon financial legislation

At present, China's protection of the ecological environment, financial legislation related mechanisms to be improved, compared with developed countries, China is still in the early stages of development and construction. Therefore, it is necessary to continuously strengthen the in-depth exploration of the concept of low-carbon economy and sustainable development in the development process, and promote the healthy and stable development of social economy. China does not yet have low-carbon financial legislation with the main purpose of supporting the reduction of greenhouse gas emissions and the development of low-carbon economy, and most of the relevant environmental financial norms are manifested in sectoral regulations and policy norms.

The concept of low carbon economy first appeared formally in the 2003 UK Energy White Paper "Our Energy Future: Creating a Low Carbon Economy", and as early as 2007, the former President of the People's Republic of China (PRC) also proposed at the Asia-Pacific Economic Co-operation (APEC) meeting the active development of a low carbon economy. He also proposed to carry out publicity and education on climate change for all, enhance public awareness of energy conservation and emission reduction, and make every citizen behave consciously. In December 2005, the State Council issued the Decision on Strengthening Environmental Protection through the Implementation of the Scientific Outlook on Development. In November 2007, the State Administration of Financial Supervision and Administration of the People's Republic of China (SFSA) also issued the Guidelines for Energy Conservation and Emission Reduction in Credit-granting Work. Although these departmental regulations and policy norms have a certain normative effect on the development of low-carbon finance, they are not systematic, and there is a lack of specific institutional design for the prevention of low-carbon financial risks and specific supervision that can be implemented, and there is a lack of specific incentives for the development of the low-carbon financial industry, which is not able to adapt to the new trend of the development of the low-carbon economy.

2. The necessity of building a low-carbon financial legal system

With the increasingly severe global climate change, the development of low-carbon economy has become the focus of common global concern. At present, China's financial legislative mechanism in terms of ecological environmental protection is still to be improved, and compared with developed countries, we are still in the early stage of development. Especially in ecological environmental protection. We must vigorously develop a low-carbon economy and promote sustainable development. In order to guard the green water and green mountains and balance ecological and economic benefits. Against this background, it is particularly important to build a low-carbon financial legal system.

Firstly, the construction of a low-carbon financial legal system is an inevitable requirement for addressing climate change and promoting green development. Climate change has become a global challenge, and the development of low-carbon economy is an important way to achieve sustainable development. The low-carbon financial legal system can promote the development of low-carbon economy, reduce greenhouse gas emissions and achieve green development by regulating market behaviour and providing policy support.

Secondly, the construction of a low-carbon financial legal system is also necessary to promote economic transformation and achieve sustainable development. With the development of the global economy, the traditional mode of economic development has become unsustainable, and economic transformation has become a general trend. Low-carbon financial legal system can guide the flow of funds to low-carbon industries, promote the low-carbon transformation of enterprises and achieve sustainable development.

Finally, the construction of low-carbon financial legal system is also the need to ensure national energy security and safeguard national interests. With the adjustment of the global energy structure, low-carbon energy has become the main direction of future energy development. Low-carbon financial legal system can guide the capital investment to low-carbon energy field, promote the development of low-carbon energy, guarantee national energy security, and safeguard national interests.

To sum up, the construction of low-carbon financial legal system is an inevitable choice to cope with climate change, promote green development, facilitate economic transformation, improve enterprise competitiveness, guarantee national energy security, safeguard national interests and other needs. We should actively promote the construction of low-carbon financial legal system to contribute to the realisation of green development and sustainable development. Lead us towards a greener and more sustainable future.

3. Problems in the legal system related to the development of low-carbon finance in China

The system of China's low-carbon financial legal system is not yet perfect. Low-carbon economic laws and regulations and policy regulations are complicated, and the legal system is not perfect. With the progress of science and technology, low-carbon economy has become one of the directions for transforming the mode of economic development, and has become an important economic development concept. As an emerging form of economy, the legal system supply is insufficient, more by some low-level, complicated content of the regulations and policy adjustments, part of the laws and regulations have been formulated and implemented with the development of the new socio-economic situation has not been able to effectively adapt to the current concept of the low-carbon economy and the requirements of development. At present, there is no national law in the field of low-carbon economy legislation that specifically guides and develops the low-carbon economy, and there

is a lack of special laws in the fields of geothermal energy, light energy, wind energy and atomic energy.

At present, China is still in the initial stage of building a low-carbon economy, and the policy and legal system for promoting the development of a low-carbon economy is still in a weak state. The salient problems are that, firstly, China's relevant legislation is not systematically perfect; for example, separate laws on energy in major areas such as oil and natural gas are still missing, and there is also a lack of a law on energy public utilities, which will lead to a less than comprehensive field of action for the harmonisation of energy and the environment. Secondly, the existing legislative provisions are not detailed enough and lack sufficient operability. This is also an important reason for the current ineffective environmental enforcement and the failure to fundamentally improve the environmental situation in China. In addition, some important low-carbon financial areas, such as carbon trading and green bonds, still lack clear legal norms and guidance, which limits the healthy development of the low-carbon financial market.

To sum up, the problems of the legal system related to the development of low-carbon finance in China mainly include imperfect system and limited innovation. In order to solve these problems, we need to further improve the low-carbon financial legal system system, increase the implementation and promote system innovation.

4. Conclusion

For the relationship between the financial legal system and the low carbon economy, the low carbon economy is based on the current social development situation of the emerging products, any economic development situation should rely on the national law, financial and low carbon economic development need to run the law as a guarantee, the financial legal system can be said to be for the operation of the low carbon economy to provide legal and scientific protection. The development of low-carbon economy needs a perfect legal system as a guarantee, the current situation, China continues to deepen the reform of the economic system, and comprehensively promote the optimisation of the structure of industrial development, the concept of low-carbon economic development gradually involves all areas of social and economic development. The introduction of the financial legal system is to protect the normal order of social and economic development, the previous financial legal order is too much focus on the protection of the environmental order. In the current situation, people's cognitive level is constantly rising, in the process of economic development pay more attention to ecological environmental protection, reduce the development of energy consumption, truly realise the relationship between man and nature coordination and fairness and justice between people, the need for the process of modern economic development for future generations to leave the green water and green mountains, but it is difficult to achieve this development purpose if only rely on self-restraint. Therefore, it is necessary to establish a relevant financial legal system to guarantee it scientifically and reasonably.

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