

Research on the Problems and Countermeasures of Emergency Rule of Law

Xiaoli Liu

Jiangsu University of Science and Technology, Zhenjiang 212000, Jiangsu, China

Abstract: *In the post-epidemic era, as the world has entered a new era, there are both crises and development opportunities, in which the value of the rule of law has been reflected. As a specific manifestation of public health emergencies, the epidemic situation presents a special legal state after all countries enter the state of emergency. However, although the state of emergency has been improved at present, the disadvantages of the rule of law in emergency response are becoming more and more prominent. Therefore, by studying the main problems in the post-epidemic era of emergency rule of law, this paper puts forward several measures to solve them, so as to promote the perfection of the legal system of emergency state, develop the relationship with other values on the premise of safety, and promote the perfection of emergency rule of law.*

Keywords: Post-Epidemic Era; Emergency Rule Of Law; Problem; To Solve the Path.

1. INTRODUCTION

With the normalization of epidemic prevention and control, our country has stepped into a post-epidemic era. Nevertheless, COVID-19 is still a sword of Damocles hanging over people's heads and affecting their quality of life. The "post-epidemic era" refers to the unfamiliar era that has brought great changes to human production and life after the outbreak of the epidemic. In the post-epidemic era, there are obvious characteristics: first, survival is still the first priority of human beings; second, individuals or factors are highly dependent on each other; third, rule of law has become a key element of social governance [1]. Therefore, this paper aims to study the main problems existing in the rule of law in the post-epidemic era and the solutions, so as to promote the continuation of human production and life. Under the background of "Internet +", the integration of social production and life has deepened and products have changed frequently. Private enterprises are facing more fierce technological competition. Strengthening technological R&D and innovation has become a priority for private enterprises to survive and develop. R&D personnel are vanguard of independent innovation of private enterprises, how to effectively encourage R&D personnel is of great significance to the development of private enterprises. According to the characteristics of private enterprises and the work characteristics and ability characteristics of R&D personnel under the background of "Internet +". This paper selects the degree of scientific research professionalization and market orientation of R&D personnel in private enterprises to construct four scenarios for R&D personnel's independent innovation. It was found that R&D personnel should be given different emphasis on incentives in different situations, and thus an incentive model for R&D personnel's independent innovation was established.

2. PROBLEMS EXISTING IN THE POST-EPIDEMIC ERA OF EMERGENCY RULE OF LAW

Before we can understand the problems of emergency rule of law in the post-COVID-19 era, we need to clarify what emergency rule of law is. Emergency rule of law is an emergency measure taken in the face of emergencies. On the one hand, the definition of emergency state is the emergence of emergency situations harmful to human society on the one hand, and on the other hand, the government declares to enter the emergency social state regulated by law in response to emergency situations on the standard level. In a word, emergency rule of law is the emergency law used in the emergency period. The problems of emergency rule of law in the post-epidemic era are mainly shown in the following two aspects. As the country raises the "Internet +" to a strategic level, the Internet-based information technology has spread and applied to all areas of social production and life. The Internet has gradually transformed from the role of a tool to a leading factor in the industry [1]. With frequent product changes and accelerated upgrades, private enterprises are facing increasingly fierce technological competition. Conducting and strengthening R&D work has become the only way for many private enterprises. However, because most private enterprises have problems such as small scale and lack of funds, according to the analysis report on the important data of private economic development and private investment from January to

June 2016, the most prominent difficulty faced by private enterprises is the rising labor cost. It accounts for 42.9%, and the tax burden is over 50%. It can be seen that the restriction of capital cost has become a key issue for enterprise development [2]. Unable to bear the high R&D costs, many private companies have made full use of the Internet platform, signed agreements with some university institutions, and built their own R&D project teams. After the formation of the R&D team, companies can further reduce R&D costs and improve R&D efficiency. It is necessary to increase the willingness and ability of R&D personnel to tap their potential so that they can be fully utilized. In this case, how to provide reasonable incentives to R&D personnel to make the best use of their talents has become the key for private enterprises to reduce R&D costs and conduct R&D efficiently.

2.1 Facts and norms

In the normal state, facts and norms in the rule of law should be in a synchronous state, and the disposition of facts is based on norms, while norms can guide the development of facts. However, in the post-epidemic era, there are obvious deviations between facts and norms in our country's emergency rule of law. From this side there are two main reasons, one is the emergency state confused with a state of emergency, the two states involved in the law, have obvious differences between public power is the state of emergency government laws and regulations in order to respond to emergencies and on the basis of emergencies such as dealing with the state, the state of emergency is in the event of a major emergency, the original laws and regulations are no longer able to meet the needs of the actual situation, so it is necessary to decide and declare a constitutional state of emergency according to the provisions of the Constitution. Our country has never experienced a state of emergency. Secondly, the system of emergency rule of law is unclear and the content is insufficient. the rule of law in emergency response should include the rule of law system in emergency response, the rule of law system in emergency response and the rule of law in war. With the development of the epidemic, many countries have entered the state of emergency, but the reason why our country has not entered the state of emergency is the lack of legal system.

2.2 Rights and power

The significance of the existence of the rule of law system lies in the balance between rights and power, but it is still difficult even in normal state, let alone in emergency state, to maintain this balance. In terms of citizens' freedom of movement, our country's constitution guarantees citizens' right to freedom of person and movement. However, when it comes to public health emergencies such as prevention and treatment of infectious diseases, the government can restrict citizens' freedom of movement to prevent further expansion of risks. Article 49 of the Emergency Response Law has been applied in the prevention and control of the epidemic to provide a basis for restricting citizens' freedom of movement. Secondly, the epidemic control also involves citizens' right to health and personal information, etc. How to balance the relationship between citizens' rights and state power has become an important issue for the rule of law in emergency response [2].

3. SOLUTIONS TO THE POST-EPIDEMIC ERA OF EMERGENCY RULE OF LAW

The degree of professionalization and market orientation of R&D personnel in private enterprises is relatively low. In this situation, the auxiliary work of R&D personnel is relatively large in the R&D work, the level of specialization is not high, and the attention to market demand is not enough, and the overall R&D of the enterprise is at a relatively low level. R&D personnel need to improve their own professional knowledge, and the independent innovation of enterprises should be more closely linked with market demand and customer needs. The R&D personnel of private enterprises have a high degree of professionalization and low market orientation. In this situation, R&D personnel are highly specialized in their work, and R&D personnel have solid professional basic knowledge and can be competent for most R&D tasks. However, due to their low market orientation and insufficient attention to customer needs, R&D exists at this time A certain degree of waste of resources.

3.1 Take safety as the starting point

In the fight against the epidemic, people's lives and health must always be given top priority. From the perspective of law value, security should be placed in the first place in the framework of law value relation. For individuals and groups, security is the basic premise of survival and development, but security is vulnerable to threats from various aspects, so the law should actively play its own value, prevent all kinds of risk factors, and ensure the safety and freedom of the people. the law recognizes and safeguards the freedom of the masses, but this freedom is limited, any individual can not do harm to the state and social stability in the name of maintaining freedom. People's freedom should be protected in emergency situations, but the premise is not directly related to security. Secondly,

there is an important relationship between security and order. As the embodiment of the value of law, order can regulate social behavior with its own unique order. In the state of emergency, all kinds of social activities should be carried out in an orderly manner according to the law, and emergency measures should be carried out in an orderly manner, so as to ensure social and public safety. But the starting point of order should be established on security, so as to realize the adherence to the value of law and promote the benign interaction between the two. The R&D personnel of private enterprises have a low degree of specialization in scientific research and a high degree of market orientation. In this situation, R&D behavior generally relies on market demand, with high work efficiency, and R&D results meet the needs of market consumers. However, due to the low level of professionalism of R&D personnel, the professional technical capabilities of R&D personnel and the quality level of R&D products Urgently need to be enhanced.

3.2 The implementation of safety value

The implementation of safety value needs efforts from various aspects. On the one hand, safety should be highlighted in the legislative process of emergency rule of law system to realize the implementation of safety value. Our country's emergency measures can be further improved by improving the legal system of emergency response, while the contents of emergency laws and regulations are adjusted. Although laws and regulations such as the Emergency Response Law have a certain sense of safety value, they lack the protection of civil rights and other contents, which need to be continuously improved [3]. On the other hand, to ensure safety in the process of law enforcement, law enforcement as the implementation of laws and regulations, in the process of law enforcement, the first need to comply with the relevant emergency laws and regulations. If improper or ineffective law enforcement occurs in the exercise of law enforcement power, it is easy to reduce the credibility of law enforcement agencies, leading to the further evolution of the situation. Secondly, in some cases, there will be acts of public power beyond the legality, but these emergency measures still need to follow the safety value. Emergency laws and regulations can temporarily seek the basic value of the security of the Constitution and law to a certain extent, but cannot exceed it. The degree of professionalization and market orientation of R&D personnel in private enterprises is relatively high. In this situation, the professional skills and R&D efficiency of R&D personnel are relatively high, reaching an ideal state.

4. DEVELOPMENT TREND OF INTELLIGENT LOGISTICS IN TRUNK TRANSPORTATION

The transformation and upgrading of traditional logistics to intelligent logistics has become the normal of sustainable development of logistics industry [7]. So far, more and more enterprises have applied intelligent logistics mode, technology and system to all aspects of logistics, and enterprises have achieved remarkable results in reducing cost and increasing efficiency, so the degree of automation, informatization and intelligence of enterprises has been effectively improved. So far, the application of intelligent logistics in warehousing and terminal distribution is more extensive, and the academia has analyzed the application of intelligent logistics in this link. However, the application of intelligent logistics needs to be further explored for the trunk transportation link. Therefore, this paper analyzes the current situation of smart logistics in trunk transportation, and puts forward some suggestions to promote the application of smart logistics in trunk transportation, such as promoting the research and development of smart logistics technology, and improving the degree of intelligence in this link, so as to provide certain reference and suggestions for logistics enterprises to develop smart logistics in trunk transportation.

4.1 Promote the Research on Smart Logistics Technology

The research and development of intelligent logistics technology in trunk transportation links takes a long time and costs much, which makes it difficult to research and develop such technologies as automatic driving trucks and intelligent network planning system. Therefore, logistics enterprises usually give priority to warehousing and terminal distribution links when developing smart logistics technology. The transformation and upgrading process of traditional logistics enterprises to intelligent logistics includes the transformation and upgrading of each logistics link, rather than some of them. Therefore, promoting the research and development of intelligent logistics technology in trunk transportation is an indispensable link for enterprises to promote the development of intelligent logistics, and it is also the development trend of intelligent logistics in this link.

Logistics enterprises can promote the process of intelligent logistics research and development in trunk transportation, absorbing R & D talents of smart logistics technology, establishing intelligent logistics technology

R & D team of trunk transportation link, increasing R & D capital investment of trunk transportation link, and cooperating with enterprises that have successfully developed smart logistics technology in this link to help enterprises reduce costs and increase efficiency, improve operation efficiency, then promote the development process of intelligent logistics technology in trunk transportation link and complete the transformation and upgrading of traditional logistics to intelligent logistics.

4.2 Improve the Level of Intelligence

At present, the development of intelligent logistics in trunk transportation is relatively slower than that in warehousing and terminal distribution, so its degree of intelligence is lower. The intelligent logistics technology which has entered the operation stage includes intelligent route planning system, while only a few enterprises' automatic driving truck technology has entered the trial operation stage. The difficulty of technology research and development and the lack of technology types lead to the low level of intelligence in this link. In the whole logistics link, the waste of transportation resources and long transportation time in the trunk transportation link are not conducive to the performance improvement of enterprises, but also bring negative experience to customers. Therefore, it is the development trend of intelligent logistics to enhance the intelligent degree of trunk transportation link.

Logistics enterprises can speed up the R & D Progress of smart logistics technology, increase the application scope of smart logistics technology in this link, and cooperate with the leading intelligent logistics enterprises in the industry to enhance the intelligence degree of trunk transportation links of enterprises, help enterprises make full use of transportation resources and reduce transportation time, so as to promote the transformation of enterprises into intelligent logistics enterprises.

4.3 Constructing a Perfect Intelligent Logistics Network System

The perfect intelligent logistics network system is an important part of the transformation and upgrading of enterprises to intelligent logistics. The construction of a perfect network system needs to be based on the enterprise's logistics intelligence, including warehousing, trunk transportation and terminal distribution. At present, only a few large-scale intelligent logistics enterprises, such as express leading enterprise SF, have constructed the "three in one" system, in which the "three in one" system refers to "sky net", "ground network" and "information network", which is a network system integrating intelligent logistics technology and intelligent logistics mode. Logistics enterprises can continue to promote the research and development of smart logistics technology, promote the application of smart logistics technology and mode, so as to constructing a perfect intelligent logistics system, help enterprises realize the transformation and upgrading of smart logistics, and further develop into a leading intelligent logistics enterprise in the industry.

5. CONCLUSION

Outbreak of the new champions to our country and around the world, has brought the huge disaster, after enters the outbreak era does not mean the end of the emergency of the rule of law, and should realize the importance of emergency rule of law, improve the state of emergency legal system in our country, absorbing the experience of treatment, so as to make the rule of law to strengthen an important weapon of social governance, overcome all kinds of crisis, To ensure the sustainable development of human society.

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