

Reconciliation and Conflict: A Study on the Development Path of Unmovable Surface Cultural Relics Protection in Beijing

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Abstract

Unmovable surface cultural relics face severe crises such as natural depletion and artificial destruction as scarce cultural resources, making unmovable surface cultural relics conservation more critical. However, there are still many problems to be solved in protecting unmovable surface cultural relics: unclear division of labor after the reform of unmovable surface cultural relics protection institutions, lack of practical legal procedures, and lack of awareness of unmovable surface cultural relics protection. This paper combines the main problems in practice based on empirical studies in Yuanmingyuan Scenic Area and Beihai Park Scenic Area. Further, it proposes recommendations for unmovable surface cultural relics protection: refining the specific content of the unmovable surface cultural relics protection system, clarifying the responsibilities of unmovable surface cultural relics protection departments, and promoting joint public participation.

Keywords

Unmovable Surface Cultural Relics, Urban Planning, Participation of the Public

1. Introduction

China's 5000-year history of civilization has accumulated a rich and diverse cultural heritage. It is the unique cultural wealth that distinguishes China from other cultural countries and is the symbol of the Chinese nation's cultural identity. In 1989, the People's Government of Beijing Municipality promulgated the "main points of work of Beijing Municipal People's Government in 1989", the Cultural Heritage Administration issued more specific regulations on unmovable

ble surface cultural relics protection under the main points of Work. As a routine inspection system in the protection of unmovable surface cultural relics, the establishment of these regulations ensures regular inspection and management of immovable unmovable surface cultural relics and unmovable surface cultural relics protection departments, ensures timely detection and disposal of illegal acts, and plays a non-negligible role in the protection of the historical and cultural heritage of China. Faced with the increasing number of unmovable surface cultural relics, the higher quality requirements of protection, and the more diversified unmovable surface cultural relics illegal behaviors, the regulation which was implemented 30 years ago has been unable to meet the needs of unmovable surface cultural relics protection and is challenging to deal with the practical problems in the practice of administrative law enforcement. Since China began to comprehensively protect historical and cultural heritage in the 1980s, the protection of architectural heritage has made great progress in concept popularization, planning, legal construction, practical operation, and other aspects. To carry out unmovable surface cultural relics protection work better and give full play to the scientific and effectiveness of the legal system, we use field visits, interviews, and other forms to understand the implementation status of unmovable surface cultural relics protection work deeply, clarify the rights and responsibilities of unmovable surface cultural relics protection departments, discover practical problems and dilemmas in unmovable surface cultural relics protection work. Combining the theory of the rule of law with the preservation of immovable cultural relics, it is necessary to establish an inspection system and make modifications to the protection of immovable cultural relics. Moreover, it is important to provide reasonable legal suggestions to further enhance the protection of immovable cultural relics.

2. Definition of Relevant Concepts

Recently, the National Cultural Heritage Administration reported the administrative law enforcement and safety supervision of cultural relics in 2022. Continuously improving the safety prevention and emergency response capabilities of cultural relics, and the overall situation of cultural relics safety is stabilizing. The national cultural relics administrative department and comprehensive law enforcement agencies jointly carried out cultural relics law enforcement patrols, and investigated and dealt with 346 cases of various cultural relics violations in accordance with the law. Among them, 153 cases were corrected and dealt with according to simple procedures, and 193 cases were investigated and dealt with according to general procedures. The National Cultural Heritage Administration directly supervised 124 cases of violations of cultural relics, the “12359” cultural relics violation reporting platform accepted 106 clues about violations of cultural relics, and a number of cultural relics violations reported by the masses were investigated and dealt with in accordance with the law.

Unmovable surface cultural relics are the products of a specific historical so-

ciety. From the perspective of material form, unmovable surface cultural relics are composed of various materials, that is, unmovable surface cultural relics are material (Guo, 2003). The words “cultural relic” appeared in *ZuoZhuan* more than 2000 years ago. At that time, it referred to the ritual and music system. In the process of China’s historical development, the connotation of the word “cultural relic” has been constantly evolving and expanding (Li, 2014). Immovable unmovable surface cultural relics include ancient cultural sites, ancient tombs, ancient buildings, grotto temples, stone carvings, murals, important modern historical sites, and representative buildings (He & Cheng, 2014).

According to the provisions of China’s unmovable surface cultural relics protection law, non-state-owned immovable unmovable surface cultural relics refer to ancient buildings or memorial buildings owned by collectives or individuals. They are mainly in the form of folk houses, former residences, temple products, village, and community ancestral halls, etc. they are widely distributed and are an important part of China’s unmovable surface cultural relics protection system (Zhang & Ma, 2013). Administrative power of unmovable surface cultural relics refers to the activities of the administrative law enforcement organs of unmovable surface cultural relics at all levels in accordance with the provisions of the national laws on the administration of unmovable surface cultural relics, within the scope of their statutory functions and powers, to protect and use unmovable surface cultural relics according to law, and to deal with various illegal acts of unmovable surface cultural relics according to law. The administrative power of unmovable surface cultural relics shall follow the “three systems”, namely, publicity of administrative law enforcement of unmovable surface cultural relics, records of the whole process of administrative law enforcement of unmovable surface cultural relics, and legal review of decisions on administrative law enforcement of major unmovable surface cultural relics. After the implementation of the newly revised Administrative Punishment Law of the People’s Republic of China, the “three systems” of administrative law enforcement have been clearly included as important content.

Administration according to law refers to the use of law to regulate the administrative behavior of the government. Legal norms include both substantive law and procedural law. The administrative law enforcement of unmovable surface cultural relics must, of course, be carried out in accordance with certain administrative procedures.

Administrative punishment refers to the specific administrative action that the administrative organ or other administrative subjects impose administrative sanctions on the counterpart who violates the administrative regulations and has not yet constituted a crime according to the functions and procedures prescribed by law. The process of administrative law enforcement of unmovable surface cultural relics protection is a process of multiple games, and administrative punishment can help alleviate this problem. In view of the problems existing in the current administrative law enforcement of unmovable surface cultural relics,

corresponding countermeasures can be taken to solve them. At present, the administrative law enforcement system for unmovable surface cultural relics has been initially established, the construction of law enforcement agencies is also accelerating, the functions and powers of unmovable surface cultural relics administrative punishment have been strengthened, and the procedures of unmovable surface cultural relics administrative punishment have been basically standardized.

The administrative punishment procedures for unmovable surface cultural relics are not very different from the general administrative punishment procedures, and the provisions of the Administrative Punishment Law of the People's Republic of China are mainly applicable. At the same time, in January 2005, the National Cultural Heritage Administration, in accordance with the Administrative Punishment Law of the People's Republic of China, the Law of the People's Republic of China on Protection of Unmovable Surface Cultural Relics, and other relevant laws and administrative regulations, formulated and promulgated the Interim Provisions on administrative punishment procedures for unmovable surface cultural relics, and formulated and issued supporting administrative law enforcement documents for unmovable surface cultural relics, providing a clear basis for the administrative departments of unmovable surface cultural relics to correctly implement administrative punishment, We have further standardized administrative penalties for unmovable surface cultural relics. In the future, in the work of unmovable surface cultural relics administrative law enforcement, on the premise of not violating the spirit of the administrative punishment law, it should be carried out in accordance with the detailed requirements of the Interim Provisions on administrative punishment procedures for unmovable surface cultural relics.

Unmovable surface cultural relics inspection refers to the inspection of unmovable surface cultural relics protection units. The work of unmovable surface cultural relics inspection is based on the Law of the People's Republic of China on Protection of Unmovable Surface Cultural Relics, the Implementing Regulations of the Protection of Unmovable Surface Cultural Relics of the People's Republic of China, the Administrative Rules for Law Enforcement and Inspection of Unmovable Surface Cultural Relics Protection Sites, and the laws and regulations on unmovable surface cultural relics protection issued by local governments. Unmovable surface cultural relics inspection is the foundation and an important part of unmovable surface cultural relics safety work. The establishment of an unmovable surface cultural relics administrative law enforcement inspection system is an important measure to realize the transformation of unmovable surface cultural relics protection from a passive response to active action.

Administrative inspection refers to the administrative act that the administrative subject determines its authority according to law to inspect, understand and supervise the administrative management counterpart's compliance with laws,

regulations, and rules and the implementation of administrative orders and decisions. It is a specific administrative act, and its specific forms are inspection, appraisal, and registration.

Administrative law enforcement inspection refers to a legal system of internal supervision in which the higher administrative organs supervise and inspect the administrative law enforcement of the lower administrative organs and their staff, and timely correct their illegal or improper law enforcement behaviors. This is an active way of supervision. Administrative law enforcement inspection is not a specific administrative act. Strictly speaking, it is not an administrative act. The administrative law enforcement inspection is different from the administrative supervision inspection. The administrative law enforcement inspection is the internal supervision system of the higher administrative organ to the lower administrative organ; Administrative supervision and inspection is a specific administrative law enforcement act implemented by the administrative organ on the administrative counterpart's compliance with administrative laws and regulations, and is one of the specific administrative acts. Administrative law enforcement is not equal to patrol inspection. Law enforcement inspection belongs to legal patrol inspection. Patrol inspection is included by law enforcement inspection and belongs to its lower concept.

3. Method

A field visit is to conduct research at a designated place. It refers to conducting an intuitive and detailed investigation on the spot to understand the truth and development process of a thing. During the inspection process, it is necessary to analyze the phenomena observed at any time and strive to grasp the characteristics of the inspection object. During the research process, we visited various scenic spots such as Yuanmingyuan and Beihai Park to investigate the issues that arose during the cultural relic protection process.

Interviews are activities aimed at collecting information that may receive widespread attention and little known through methods such as observation and interviews for the purpose of mass communication. It is a prerequisite for writing and a special type of investigation and research. Interview is the process in which the interviewer understands the object and uses their own news perspectives, knowledge accumulation, and thinking methods to make analytical judgments through personal observation, listening, and reflection. During the research process, we conducted interviews with the leaders of various scenic spots through symposiums and summarized the actual problems that arose.

Other forms mainly refer to the questionnaire method, which is a widely used method in social surveys both domestically and internationally. A questionnaire refers to a table used for statistics and surveys that expresses questions in a structured manner. The questionnaire method is a method in which researchers use this controlled measurement to measure the research question and collect reliable data. The questionnaire method mostly uses various methods such as

mailing, individual distribution, or collective distribution to send questionnaires. The investigator fills in the answers according to the questions in the table. Generally speaking, questionnaires are more detailed, complete, and easy to control than interview forms. The main advantages of the questionnaire method are standardization and low cost. Because the questionnaire method uses designed questionnaire tools for conducting surveys, the design of the questionnaire requires standardization and measurability. During the research process, we distributed survey questionnaires to the staff in order to better collect questions.

4. The Influence of System Reform on Cultural Relic Protection in Beijing

Unmovable surface cultural relics link the history and reality of a country and a nation and precious material and spiritual wealth. The importance of unmovable surface cultural relics is highlighted in the process of economic globalization (Li, 2007). It is an essential basis for a nation to stand in the forest of national culture in the world. In recent years, China has stepped up efforts to protect unmovable surface cultural relics and made much significant progress, such as the gradual establishment and improvement of provincial and county-level unmovable surface cultural relics protection departments, practical unmovable surface cultural relics protection work sites, and the establishment of unmovable surface cultural relics museums. Local governments have also increased financial support for unmovable surface cultural relics protection, strengthened the rational dispatch of personnel in unmovable surface cultural relics protection departments, and accelerated the introduction of talent and the upgrading and renewal of unmovable surface cultural relics protection regulations (Liu, 2012).

The reform and development of Beijing's cultural relic protection institutions are as follows:

In 2005, the Central Committee of the Communist Party of China and The State Council issued *Several Opinions on Deepening the Reform of the Cultural System*, which stipulated: "Integrate the existing administrative law enforcement teams of culture, radio, film, and television, press, and publication, establish a comprehensive law enforcement agency for the cultural market and implement unified law enforcement with the cooperation of public security, industry, and commerce departments." In 2009, China began to implement comprehensive administrative law enforcement reform and formulated the *Measures for The Administration of Comprehensive Administrative Law Enforcement in The Cultural Market*, the main content of which is to transfer the power of supervision and inspection and the power of administrative punishment and compulsory measures of cultural and unmovable surface cultural relics departments to independent, comprehensive cultural law enforcement agencies. In 2011, the Ministry of Culture deliberated and adopted the *Measures for the Administration of Comprehensive Administrative Law Enforcement in The Cultural Market* at a meeting, stipulating that comprehensive administrative law enforcement

agencies in the Cultural market have systematically stipulated their law enforcement procedures and improved the law enforcement system. Since then, as an essential part of the cultural system reform, the comprehensive law enforcement reform of the cultural market lasted eight years and was completed at the end of 2011. The cultural market's comprehensive administrative law enforcement team has become the only law enforcement force on the propaganda and cultural front, undertaking the standard law enforcement tasks of unmovable surface cultural relics, radio, film, television, press, and publication departments.

In 2020, the Office of the Commission for Public Sector Reform of the Beijing Municipal Committee of the CPC issued a notice, adding two law enforcement functional organizations to the former Beijing Cultural Market Administrative Law Enforcement Corps: Law enforcement Team 6 and Law enforcement Team 7. Meanwhile, Beijing Cultural market administrative law enforcement Team, Beijing Unmovable surface cultural relics Supervision, law enforcement team, and Beijing Tourism law enforcement Team are no longer retained. In the internal institutions and primary responsibilities announced by Beijing Cultural Market Comprehensive Law Enforcement Corps, it can be seen that Team 6 is responsible for administrative law enforcement in the field of tourism, and Team 7 is responsible for administrative law enforcement in the field of unmovable surface cultural relics. It was not until 2020 when the Notice was issued and the seventh law Enforcement team was set up, that the general team began to undertake the inspection of unmovable surface cultural relics, assuming 46 punishment powers. The main contents of the work are critical inspection of state-level critical unmovable surface cultural relics protection departments, essential law enforcement inspection of Beijing-level critical unmovable surface cultural relics protection departments, and joint inspection with the district law enforcement team from time to time. The establishment of the General municipal team of cultural market law enforcement, especially the team 7 of law enforcement, responded to the reform requirements of promoting urban, comprehensive law enforcement that the CPC Central Committee and The State Council have long emphasized and played an essential role in promoting efficient, unified and centralized law enforcement and accelerating the establishment of the operation mechanism of comprehensive law enforcement in the cultural market.

However, at the same time, as a comprehensive law enforcement organization, the relationship between the seventh Branch of the Municipal Cultural market Law enforcement Team and the law enforcement teams in charge of unmovable surface cultural relics protection of the Bureau of Culture and Tourism in each district of Beijing has not been clarified. Especially in the cultural relic inspection system, the transfer of administrative law enforcement power from the district Bureau of Culture and Tourism law enforcement team to the municipal cultural market law enforcement team did not bring about the overall transfer of cultural relic inspection work. It means that the general law enforcement team

jointly undertakes the inspection work of unmovable surface cultural relics and the law enforcement teams of each district bureau of Culture and Tourism, while the municipal comprehensive law enforcement agency of cultural market and the law enforcement system in the city, district and county levels have not been sorted out. On the one hand, the simultaneous inspection of unmovable surface cultural relics increases the cost of law enforcement, reduces the efficiency of law enforcement, and leads to the duplication and overlapping of front-line law enforcement work, which brings inconvenience to the management and use units of unmovable surface cultural relics, further damages the effect and power of comprehensive law enforcement in the cultural market. On the other hand, establishing the municipal cultural market law enforcement team has not fulfilled its due mission, nor has it improved the efficiency of cultural heritage management and protection and lost the meaning of comprehensive law. The relevant problems encountered by the unmovable surface cultural relics law enforcement detachments of each district cultural Tourism Bureau still exist in the inspection work, and the transfer of administrative law enforcement power has further increased the difficulty of solving these problems.

5. An Empirical Study on the Protection of Unmovable Surface Cultural Relics in Beijing

At 2:00 p.m. on September 17, 2021, the heads of the law enforcement teams of the cultural and tourism bureaus of various districts in Beijing and the staff of the Legal Affairs Department of the Municipal Bureau of unmovable surface cultural relics held a symposium on the implementation of the government's regulations "Interim Provisions on the inspection and report system of Beijing unmovable surface cultural relics protection units". At the seminar, Changping District, Haidian District, and Xicheng District The responsible persons of Dongcheng District and the municipal comprehensive law enforcement team of the cultural market respectively gave a brief introduction to the patrol inspection work in the region focused on the analysis of the practical difficulties encountered in the creation and put forward corresponding suggestions for further revision of the regulations.

At 2:00 p.m. on September 24, 2021, the Beijing Municipal Bureau of unmovable surface cultural relics held the second symposium on the evaluation of the implementation effect of the Interim Provisions on the inspection report system of Beijing unmovable surface cultural relics protection units. The meeting invited several representative unmovable surface cultural relics protection units with high-level unmovable surface cultural relics, good management, and use, and various characteristics to have a discussion. At the forum, the relevant responsible persons of the office of the Ming Tombs special zone, the Management Office of the Old Summer Palace, the Babaoshan Revolutionary Cemetery base, the Catholic Patriotic Association, the unmovable surface cultural relics section of Beihai Park, and the Jingshan Park Management Office of the invited units

gave a brief introduction on the unmovable surface cultural relics protection and inspection work of the unit. The following is a specific analysis of each region, based on a structure from large to small, and then from overall to sub, analyzing the implementation of unmovable surface cultural relics protection in each administrative region from an overall perspective, and then analyzing the implementation of each scenic spot in detail.

5.1. Current Situation of Unmovable Surface Cultural Relics Protection in Various Districts of Beijing

In order to gain an in-depth understanding of the current situation and main problems of unmovable surface cultural relics protection in Beijing, the author interviewed the unmovable surface cultural relics protection work leaders of the comprehensive law enforcement teams of Changping District, Haidian District, Xicheng District, Dongcheng District and the Municipal Cultural Market, analyzed the practical difficulties encountered in work, and puts forward corresponding Suggestions for unmovable surface cultural relics protection work. According to the actual situation of unmovable surface cultural relics management and protection in each region, under the overall organizational structure of the Bureau of Culture and Tourism, the unmovable surface cultural relics department, unmovable surface cultural relics law enforcement team, unmovable surface cultural relics management office, cultural preservation center, and security office are set up to subdivide the related functions of unmovable surface cultural relics protection. Although there are differences in each district's organization and name arrangement, the law enforcement team usually inspects unmovable surface cultural relics. At the same time, under the unified arrangement of the Bureau of Culture and Tourism, in the communities and streets where the unmovable surface cultural relics are located or through the establishment of the inspection of unmovable surface cultural relics safety officers, Great Wall protection officers and other personnel to carry out a special inspection of the unmovable surface cultural relics protection, and will find the problems reported in time to grasp the situation of unmovable surface cultural relics protection (Changping District); Or to further expand the scope of law enforcement by setting up cultural security inspectors without the power of law enforcement, to find the hidden dangers of unmovable surface cultural relics management as soon as possible (Haidian District); Or by increasing the publicity of unmovable surface cultural relics protection in the streets, making unmovable surface cultural relics notes, and carrying out more intensive inspection work by street personnel in critical periods (Dongcheng District); Or through the cultural relic safety supervisor to daily master the use of unmovable surface cultural relics by organizations and individuals in their region, and report the destruction of unmovable surface cultural relics to the law enforcement team (Xicheng District), so as to supplement the inspection work of unmovable surface cultural relics protection by the law enforcement team.

However, a result of the limitations of objective and subjective conditions in recent years, the inspection work of unmovable surface cultural relics protection department has encountered practical limitations. In addition, due to the continuous impact of the COVID-19 epidemic, except for the inspection of unmovable surface cultural relics protection by judicial departments and disciplinary inspection departments and the year-end work performance summary of the Cultural Tourism Bureau, all districts are unable to report the inspection results in a timely manner. The relevant provisions are divorced from the actual work practice. Sometimes they cannot provide a legal basis for the inspection work, so the provisions are relatively simple. In addition, there are problems such as the unclear division of responsibilities for inspection work, which leads to the inability to implement responsibilities after the accident, thus affecting the work efficiency and enthusiasm of law enforcement personnel and not conducive to the effective development of cultural relic protection work.

5.2. Current Situation of Unmovable Surface Cultural Relics Protection in Yuanmingyuan Scenic Area

Yuanmingyuan's heritage security by the Department of Unmovable surface cultural relics and Archaeology and the Department of Protection of the two sections are jointly responsible for: Archaeology is responsible for the above-ground sites, the ground visible artifacts, mainly by the heritage registration system management of the repository of unmovable surface cultural relics and other inspection and protection work; Security Section is responsible for visitor safety, monitoring equipment, and fire prevention and other work.

At present, the Yuanmingyuan Management Office of unmovable surface cultural relics and archaeology section monthly on the situation of the entire park site, scattered in the park in the case of registered stone carvings and unmovable surface cultural relics, Zhengjue Temple Horse Head Exhibition exhibits for two routine inspections, according to the number of stone carvings and other unmovable surface cultural relics to check and record the results in the book, the problems found timely rectification. Before the construction and archaeological operations in the park, the Department of Unmovable surface cultural relics and Archaeology will educate and train the engineering staff, sign the safety responsibility letter, comprehensively understand the construction plan and construction section, and control the construction drawings in the early stage. After the project starts, the Department of Unmovable surface cultural relics and Archaeology will supervise unmovable surface cultural relics' safety on-site. A particular person will be assigned to conduct on-site supervision every day for critical and archaeological projects, and text and photo records will be kept. Unmovable surface cultural relics found in construction and archaeological sites will be promptly recovered and registered in storage. According to the above work, the unmovable surface cultural relics research section compiles and issues two monitoring records of the Yuanmingyuan site every month. When flood season and other extreme weather and geological disasters occur, the De-

partment of Unmovable surface cultural relics and Archaeology will increase temporary inspections according to the specific situation and focus on monitoring the sites and unmovable surface cultural relics warehouses such as Dagongmen, Tantanzhuang, Zibishan House, Wenyuan Pavilion, Square Pot Scenic Spot, Sherwei City, Sutras Hall, Shizi Lin, Ruyuan and Xiyanglou. According to the problems found, compile and issue the site monitoring report of Yuanmingyuan and report to the competent authorities. In addition, the Yuanmingyuan unmovable surface cultural relics management office also regularly invites experts from the unmovable surface cultural relics bureau to give lectures on unmovable surface cultural relics protection to help the staff of the park improve their awareness and knowledge of unmovable surface cultural relics protection.

5.3. Current Situation of Unmovable Surface Cultural Relics Protection in Park Scenic Area

In Beihai Park, the Unmovable surface cultural relics and Security Departments are in charge of unmovable surface cultural relics management, while the Infrastructure and Logistics departments are in charge of unmovable surface cultural relics maintenance. The Cultural Heritage Section is mainly responsible for inspecting the heritage buildings and controlling visitors' uncivilized behavior. At the same time, there are also cultural heritage inspectors to check the damage to the buildings themselves. The security department will review the uncivilized behavior of tourists and the law enforcement team of the park, and the surveillance video of the uncivilized behavior will be provided to the joint police station for disposal. More than 40 inspectors from the Heritage inspection team of Beihai Park carry out a daily inspection of the heritage buildings and record the inspection situation accurately in the heritage inspection record book every day. Problems will be reported to the Infrastructure Department in time, which will repair and regularly maintain the buildings according to the specific contents after receiving the problem report. The main contents of daily inspection include the damage to roofing, eaves, walls, ground, and parts of each building, water leakage of the building itself, and potential safety hazards that may threaten personnel safety. The park requires all team workers to help find some difficult problems in daily work during the inspection. In addition, based on the daily inspection, Beihai Park has hired a qualified professional company for a professional inspection of critical unmovable surface cultural relics, the nine-dragon screen, since 2016, the white pagoda relics structure safety tests beginning in 2019, invite professionals to use professional equipment for the foundation, ontology of unmovable surface cultural relics, especially timberwork building for testing, Summarize the overall situation of unmovable surface cultural relics and submit them to the Infrastructure Department to judge whether the professional repair is needed. Beihai Park pays special attention to fire safety work construction; by the requirements for the unified management of Beijing Park, the park gradually improves the fire safety standardization, the internal security responsibility, fire safety responsibility pledges, production responsibility, and security

agreement of the parties involved several systems, strictly implement security responsibility of unmovable surface cultural relics, fire safety responsibility as well as the production of all kinds of security responsibility in the construction process. In addition, emergency plans and disposal measures have been set up for large-scale temporary activities, office areas, construction areas of fire accidents, disaster weather, flood season emergency rescue, pipeline accidents, electric shock accidents, pesticide leakage poisoning, and food poisoning incidents. Beihai Park has set up miniature fire stations, issued fire safety pocketbooks, including should know should work responsibilities, and regularly organized emergency fire safety drills for all staff so that the staff in the park can more effectively participate in the implementation of 29 safety systems.

5.4. Current Situation of Unmovable Surface Cultural Relics Protection in the Catholic Patriotic Association

The Beijing Patriotic Catholic Association takes unified management and hierarchical responsibility for the various unmovable surface cultural relics protection departments under its jurisdiction. They set up particular institutions for unmovable surface cultural relics protection in municipal religious groups, and the unmovable surface cultural relics management department is responsible for the overall unmovable surface cultural relics protection, inspection, and management of the Catholic Church in Beijing. The person in charge of the unmovable surface cultural relics protection unit shall be in charge of the unmovable surface cultural relics protection unit; The relationship between the two is superior and subordinate. Each cultural relic protection unit shall establish its system for the protection and use of unmovable surface cultural relics, appoint a person in charge of safety to be responsible for the protection of unmovable surface cultural relics of the site, and timely take measures such as command, alarm, and closure in case of emergency safety incidents; The collective unmovable surface cultural relics control institutions shall be responsible for inspection, guidance, and maintenance.

In the protection of unmovable surface cultural relics, the Beijing Patriotic Catholic Association focuses on the following work: firstly, regular inspection focuses on the appearance change of unmovable surface cultural relics; Secondly, the establishment of a technical prevention system, installation of fire alarm, monitoring equipment to strengthen technical prevention; Thirdly, specific measures should be implemented to the people, and whether there is a particular person responsible for the situation that endangers the safety of unmovable surface cultural relics. By clarifying the safety responsibility, the enthusiasm for unmovable surface cultural relics protection of all management units and managers can be improved. Specific inspection includes: unmovable surface cultural relics ontology state, safety system, provisions of unmovable surface cultural relics, fire-fighting equipment, electric wires and circuits, unmovable surface cultural relics use, engineering construction, organization, obligatory fire brigade,

unmovable surface cultural relics protection propaganda is in place.

5.5. Current Situation of Unmovable Surface Cultural Relics Protection in Ming Tombs Special Zone

The Ming Tombs special zone strengthens the pressure and responsibility of the leadership to ensure that the inspection is active and in place. The Party Committee of the Ming Tombs Special Zone especially studies the working system, promotes the working style by strengthening the restraint management, and revises and perfects the assessment method of daily management. At the same time, it formulated and improved the responsibility system for unmovable surface cultural relics management, established the working method that members of the leading group are responsible for each area, and divided the Ming Tombs special zone into 16 responsibility areas. It improves the three-level inspection mechanism of team members, business departments (including the security department and the Inspection Brigade), professional teams (including the teams in the open scenic area and the forest rangers in a mausoleum that has not been opened), to ensure that each link can be put under pressure, the responsibilities can be assigned to each person and the work can be left behind, and the hidden dangers of unmovable surface cultural relics can be discovered and solved early. The Ming Tombs special zone has established 11 rules and regulations, such as the working system of forest rangers, the shift system of unmovable surface cultural relics inspection, the patrol registration system of the security department and the mausoleum patrol system. It has detailed job responsibilities and signed safety responsibility letters with all units to strictly implement the system. 24-hour continuous patrol, strengthens the inspection, and the security department randomly checks twice a day to accurately register the patrol, on duty, and unmovable surface cultural relics registration of forest rangers. In the evening, the security department will accompany the leader to spot-check more than three scenic spots, and register these works with clear records. In the meantime, the monitoring center of the Ming Tombs was upgraded and transformed. A total of 972 monitoring probes were installed, and the upstream general monitoring system was established. There were 16 sub-monitoring systems under it. A control system with complete alarm, anti-theft, staff patrol and video security monitoring was formed. The team of forest guards was strengthened, and measures such as 24-hour three shifts, night patrol and upgrading the monitoring system were implemented to ensure the uninterrupted work of cultural and cultural protection. Through the monthly regular meeting system, the team leaders are organized to hold meetings, listen to the work reports of forest rangers, summarize the good work of the month, and solve some existing problems in a timely manner. In addition to routine inspections, the Ming Tombs special zone will increase corresponding safety measures in special weather, such as fire equipment registration and fire facilities inspection once a week in the fire season. In addition, by comprehensively sorting out the base of unmovable surface

cultural relics resources, adding relevant archives of unmovable surface cultural relics information, establishing and improving the database of unmovable surface cultural relics resources, and strengthening the dynamic management of unmovable surface cultural relics, the Ming Tombs Special Zone has completed the sorting out of the current situation of the Ming Tombs site, and compiled 116 unmovable surface cultural relics ontology and site information archives. And the Ming Tombs special zone will regularly organize staff to carry out training on rules and regulations, monitoring operation, fire protection, emergency anti-terrorism and other aspects. The special zone regularly hires professional technicians to explain the knowledge and operation skills of the monitoring operating system to ensure that each staff member can be familiar with the use of the overall equipment; Set up fire-fighting training drills for staff, carry out physical training, enhance fire-fighting awareness and physical quality, and improve the overall fire-fighting level.

5.6. Current Situation of Unmovable Surface Cultural Relics Protection in Babaoshan Revolutionary Cemetery Education Base

In order to facilitate the full protection and rational utilization of revolutionary unmovable surface cultural relics, the unmovable surface cultural relics protection of Babaoshan Revolutionary Cemetery education base is now under the jurisdiction of the education base. A deputy director is responsible for the daily work of unmovable surface cultural relics protection, and an employee is responsible for the daily inspection and registration management; The administrative security section is responsible for fire safety, flood control safety and anti-theft safety. Furthermore, the cemetery is equipped with security guards on duty all day and a monitoring room that manages more than 400 monitoring devices for 24-hour uninterrupted monitoring to strengthen supervision in the cemetery. The main contents of the inspection of Babaoshan Revolutionary Cemetery are the current situation of unmovable surface cultural relics buildings, educational bases, tombstones in the cemetery area and changes in the surrounding environment. The problems found in the inspection work will be corrected in time to avoid further impact. For example, some iron pillars in the park have been strengthened and repaired in time, and the unmovable surface cultural relics in the park have not been affected during the flood season this year.

5.7. Current Situation of Unmovable Surface Cultural Relics Protection in Jingshan Park Management Office

According to the Law of the People's Republic of China on the Protection of Unmovable surface cultural relics and other laws and regulations related to the protection of unmovable surface cultural relics, Jingshan Park has formulated the measures for the protection and management of unmovable surface cultural relics of Jingshan Park Project; Ten measures for the protection and manage-

ment of unmovable surface cultural relics, including the inspection system of unmovable surface cultural relics and buildings. The infrastructure section of Jingshan Park is mainly responsible for ensuring the daily inspection and protective repair of the unmovable surface cultural relics. The principle of “Whoever uses the unmovable surface cultural relics shall be responsible for the management” is adopted, and the user department shall assist in the management. Jingshan Park hires an unmovable surface cultural relics inspection team to check the arrangement every day. If problems are found, it will arrange repairs according to the specific situation. It also entrusts a third party to make a professional monitoring terminal platform. The staff will inspect the unmovable surface cultural relics in the park every month. Every time they go to a place, they will scan the code of the mobile phone monitoring terminal to check the identification of the place, so as to facilitate inspection tour situation and cultural situation at any time. The specific inspection contents mainly include: structural safety of buildings, roof weeding, damage of unmovable surface cultural relics, such as missing tiles, deterioration of wood components, damage of oil painting and rain leakage. In order to ensure the timely control of the state of unmovable surface cultural relics, Jingshan Park has entrusted a third party to conduct batch inspection on the structure of all unmovable surface cultural relics for three consecutive years; The cracking and sinking trend of some unmovable surface cultural relics were inspected all year round.

6. Problems in the Protection of Unmovable Surface Cultural Relics in Beijing

During the research process, we found that there are mainly the following problems in the protection of unmovable surface cultural relics in Beijing. Firstly, after the reform of the unmovable surface cultural relics system, the division of labor for protection is not clear; Secondly, there is a lack of practical and feasible legal procedures; Finally, the public lacks awareness of cultural relic protection. The following is a specific analysis.

6.1. After the System Reform of Unmovable Surface Cultural Relics, the Protection Division of Labor Is Not Clear

The core problem of “constant mention of conservation and development” does not come from poor conservation technology (Zhang & Pang, 2011). But because of the relatively simple and general provisions of relevant laws and regulations on the contents of unmovable surface cultural relics inspection, there is a blank area. Moreover, the relevant departments have not yet reached a consensus on the relationship between them in the protection of unmovable surface cultural relics and their concept of law enforcement and unmovable surface cultural relics management. The scope of power that the Cultural Heritage Bureau can exercise when managing unmovable surface cultural relics preservation units is not clear. When the grassroots departments of various departments of the

Cultural heritage Bureau encounter problems in law enforcement, there is a lack of corresponding legal provisions as the basis, and law enforcement personnel have particular difficulties in specific law enforcement resulting in unsatisfactory inspections. The problems reported by auxiliary inspectors cannot be dealt with in time, and the number of unmovable surface cultural relics makes law enforcement is difficult to reach the standard. The division of responsibilities for cultural heritage protection is not clear enough. The functions of various departments of the Cultural Heritage Bureau are sometimes confused, and some work is handled repeatedly.

By the relevant contents of the Law of the People's Republic of China on the Protection of Unmovable surface cultural relics, each unit has set up corresponding departments within the Bureau to deal with the related work of unmovable surface cultural relics protection. For example, the Haidian District Bureau of Culture and Tourism has divided the work responsibilities of the Unmovable surface cultural relics Section into two parts, with the unmovable surface cultural relics Protection Section continuing the traditional responsibilities of the previous unmovable surface cultural relics Management Section and setting up the Unmovable surface cultural relics Utilization Section, further dividing the functional differences between the two. However, it has not been fully clarified yet. Not only that, but also set up more technical, professional cultural relic archaeology, repair and repair of the public institution's cultural protection center. The law enforcement teams associated with inspections continue to assume traditional cultural heritage security and law enforcement responsibilities.

Another example is the Dongcheng District Bureau of Culture and Tourism, which divides administrative law enforcement and daily inspection into four modules carried out by the four functional departments under the Bureau. The unmovable surface cultural relics Institute is mainly responsible for managing unmovable surface cultural relics above the district level. In contrast, the Unmovable surface cultural relics Administration Institute and the unmovable surface cultural relics enforcement team are mainly responsible for managing 93 immovable unmovable surface cultural relics in Dongcheng District. At the same time, the cultural law enforcement team to the masses of the report or the superior assigned to handle the case on file and law enforcement. Although the security section as the leading department should play the corresponding role of reporting and command because the specific work content of the inspection of each department has not been explicit, the functions between departments are often confused, coupled with the vacancy in the staffing, much work is facing the dilemma of vacancy. However, for the city's cultural market comprehensive law enforcement team, its establishment time is still short, it is more responsible for administrative punishment, its law enforcement work should not involve security issues, its work related to this only out of the personal feelings of the staff to the protection of unmovable surface cultural relics. It also shows that there is still much ambiguity in the division of job functions.

6.2. Lack of Practical Legal Procedures

Here, we first want to mention our country's unmovable surface cultural relics protection law. As we all know, four basic principles are running through China's law on the protection of Unmovable surface cultural relics: "protection first, rescue first, rational utilization, and strengthening management." (Liu, 2005) According to the law, unmovable surface cultural relics management and use units do not have the power of administrative law enforcement and punishment when protecting and managing ancient buildings and dealing with emergencies.

In Jingshan Park, Beihai Park, and other tourist sites, due to a large number of tourists and the random destruction of unmovable surface cultural relics, it is still difficult to control the uncivilized behavior of tourists despite fences and security personnel. It is difficult for park management personnel to find and stop in time and lack the corresponding power of law enforcement and punishment. If the security personnel find tourists damaging unmovable surface cultural relics and other uncivilized behaviors in time, they can only dissuade them but not punish them. It is widespread for them to complain about their lousy attitude after stopping them. Suppose the security personnel finds that tourists have damaged unmovable surface cultural relics and uncivilized behavior. In that case, they can only give feedback to the corresponding video to the police station and urban management department for subsequent disposal. However, the destruction of unmovable surface cultural relics has been caused, and the target of punishment is also challenging to trace.

Since there is no law enforcement and punishment, in the cultural relic peripheral units act detrimental to the protection of unmovable surface cultural relics, Unmovable surface cultural relics management and protection work is challenging to carry out.

6.3. Lack of Awareness of Unmovable Surface Cultural Relics Protection

The existing unmovable surface cultural relics in a city can often constitute a materialized urban development history, which is the rare material evidence and essential carrier of the splendid culture of the city, as well as the only material channel for citizens to contact and communicate with their distant ancestors (Shan, 2007). At present, although grassroots unmovable surface cultural relics protection departments have made many achievements in the protection of unmovable surface cultural relics, on the whole, there is still a lack of awareness of unmovable surface cultural relics protection. Most local governments take the economy as the guidance to formulate urban development strategies and put the protection of unmovable surface cultural relics in the second place in economic work (Liang, 2013). Sorting out the practices and experiences of western countries in unmovable surface cultural relics protection may be helpful to the protection and management of Chinese unmovable surface cultural relics. For example, in France, the French Cultural Heritage Foundation was established in

1996 to maintain registered but unclassified local unmovable surface cultural relics. Britain has rich experience in establishing and operating the local list protection system (Zhu & Liu, 2010).

The state should adopt policies to encourage various research institutions to carry out research on the protection of unmovable surface cultural relics. In particular, it should encourage the cooperation between the science of unmovable surface cultural relics protection and archaeology, architecture, gardening, planning, environmental science, sociology, economics, tourism, ethnology, anthropology and geology, so as to lay a scientific foundation and preparation for the protection of unmovable surface cultural relics, and actively promote the transformation of research results into application (Lu, 2005). Due to the lack of awareness of unmovable surface cultural relics protection, the cooperation degree of unmovable surface cultural relics management and use units is not enough. First, some unmovable surface cultural relics have unclear property rights due to historical reasons. It is difficult to confirm the rights of unmovable surface cultural relics protection departments, let alone to find relevant personnel who can manage and use unmovable surface cultural relics in daily use and bear the responsibility of unmovable surface cultural relics protection. Therefore, it is difficult to track down specific units or individuals after unmovable surface cultural relics have problems, and law enforcement departments can only bear the responsibility for poor supervision. Secondly, some unmovable surface cultural relics management units do not pay enough attention to unmovable surface cultural relics, direct users of unmovable surface cultural relics have weak awareness of unmovable surface cultural relics protection, lack relevant legal education, and ignore and do not cooperate with safety, which may result in the absence of unmovable surface cultural relics protection departments in their daily work, unable to protect unmovable surface cultural relics to the maximum extent. Finally, the responsibility of unmovable surface cultural relics protection of unmovable surface cultural relics management and use units are not fully implemented, and inspection is complex. Some unmovable surface cultural relics protection departments do not recognize their management and use. Due to the particularity of part of the use and management of unmovable surface cultural relics unit work, the protection unit is diverse and complex. Patrol inspectors are often unable to reach the internal search or search tough questions, then execute the law personnel patrol rely mainly on communicating with unmovable surface cultural relics protection departments. Hence, the use of units of unmovable surface cultural relics protection of unmovable surface cultural relics management responsibility implementation is crucial.

7. Suggestions and Expectations

7.1. Concretize the Cultural Relic Protection System

Adhere to the strategy of different emphasis on unmovable surface cultural relics protection and development in different periods. Protection and development

are a pair of contradictions. How to deal with this contradiction has always been a common concern of the theoretical circles and management departments at all levels. The basic thinking to deal with this problem should be that the strength and emphasis of unmovable surface cultural relics development at different levels, different periods and different stages of development should be different (Li, 2007). At the beginning of the legislation of the Interim Provisions, there were no relevant regulations on the inspection of unmovable surface cultural relics at the national level, and there were no relevant precedents in various provinces and cities. It made up for the institutional gaps in the daily and standardized protection of unmovable surface cultural relics at the local legislative level, and was an innovation of the regulations of the local government of Beijing.

Since the promulgation of the Interim Provisions in 1989, the awareness and implementation of the Interim Provisions have been very high. Both the management and use units of various unmovable surface cultural relics protection units, the Beijing Municipal Bureau of unmovable surface cultural relics and the administrative organs of various districts and counties have defined the scope of rights and obligations and specific responsibilities through the Interim Provisions. For more than 30 years, they have strictly observed the patrol inspection, key inspection and supervision responsibilities in the regulations, all units have made innovations on the basis of the work responsibilities specified in the regulations, and have rich work experience and targeted treatment plans in the field of patrol inspection.

It is precisely because of the great contribution of the Interim Provisions to the effective protection of unmovable surface cultural relics that the Beijing municipal government, various unmovable surface cultural relics administrative organs, unmovable surface cultural relics management and use units and all walks of life have always attached importance to the revision and updating of the Interim Provisions. Since the promulgation and implementation of the Interim Provisions for more than 30 years, China has experienced major legislative events such as the promulgation and revision of the Legislative Law, the six revisions of the Law of the People's Republic of China on Protection of Unmovable surface cultural relics, and the Procedures of Beijing Municipality for the Implementation of the Law on the Protection of Unmovable surface cultural relics. The work pattern and planning of unmovable surface cultural relics protection in China and Beijing have also undergone great changes, the establishment and revision of the upper level law and the constantly updated reality have new requirements for the mission of the Interim Provisions. The actual work of unmovable surface cultural relics protection also requires a clearer and detailed legal basis for the unmovable surface cultural relics inspection system. However, the Interim Provisions is still the only local government regulation of the unmovable surface cultural relics inspection and protection system in China, and its implementation fully shows the progressiveness and exemplary nature of the

unmovable surface cultural relics protection work in Beijing. Even today, the Legislative Law has new requirements for the updating and improvement of local government regulations, and it is still a general consensus that the shortcomings of the Interim Provisions are not hidden, the effectiveness and necessity of the patrol inspection system has also been affirmed and appreciated. In the future, the state and local governments still need this benchmarking regulation. As a pioneer in exploring the system of unmovable surface cultural relics protection, Beijing should also continue to promote the adjustment and improvement of the Interim Provisions and the standardization and rule of law management of the unmovable surface cultural relics inspection system, so as to ensure the routine and stability of the unmovable surface cultural relics protection work.

Unmovable surface cultural relics administrative departments need to have strict requirements on the inspection rate, coverage, and other indicators of unmovable surface cultural relics protection departments inspected by unmovable surface cultural relics law enforcement teams, and judicial organs and discipline inspection organs shall also supervise the performance of the duties of unmovable surface cultural relics law enforcement workers. However, the current laws and regulations related to the protection of unmovable surface cultural relics are relatively general, and there is still a lack of specific contents similar to administrative punishment for the inspection of unmovable surface cultural relics. We can turn these public policies, such as establishing cultural heritage administrative organs, allocating powers of various departments, and establishing a financial system for cultural heritage protection and other protective measures, into substantive legal provisions. In addition, the standards formulated by the state for the protection of unmovable surface cultural relics, the regional scope of construction control zones, the standards for the discharge of pollutants, the standards for the discharge of air pollutants, and the standards for the discharge of water pollutants may be included in the specific provisions of the Separate Law (Chai & Liang, 2016).

The relevant standards of the Interim Provisions have been further refined, so that under the guidance of the Interim Provisions, the management and use units of various unmovable surface cultural relics protection units can obtain relevant information from the provisions, fully understand the scope of their rights and obligations, the way they exercise their rights and responsibilities, and then adjust their behavior patterns; The administrative departments of unmovable surface cultural relics protection at all levels can clearly define their own law enforcement basis, law enforcement methods, law enforcement objects, law enforcement means, etc., and the legal basis for the work is more clear and specific. The principle of operability can be said to be the vitality of local legislation. It is necessary to improve the operability and enforceability of the Interim Provisions, improve the structure of the provisions, clarify the relevant rights, obligations and responsibilities in the unmovable surface cultural relics inspection system, provide detailed guidance for the activities of relevant subjects, and ensure the specificity and feasibility of the inspection work. In the standardized de-

sign of the legal system for cultural heritage protection, which is precise, refined and coordinated, it highlights its particularity, pertinence and effectiveness (Shi & Yin, 2019). In the future legislation on the inheritance of Chinese culture, we need to deal with the conflict between the challenge of modernization and the independence of civilization, the contradiction between cultural inheritance and economic and social development, the relationship between cultural protection, inheritance and innovation, and development, draw on foreign legislative experience reasonably, strengthen the legislation on cultural industrialization and cultural revitalization, promote the systematization of legislation, and promote the exchange and mutual learning between Chinese civilization and world civilization (Yang, 2020).

7.2. Clarify the Responsibilities of Cultural Relic Protection Units

Natural and cultural heritage, primarily national and world-class natural and cultural heritage, is a precious and non-renewable resource. They belong not only to China but also to the world; Not only belongs to the modern people but also belongs to the future people. Protection is the premise. Without protection, it is impossible to use, let alone develop; Utilization and development are the purpose and condition of protection. Without utilization and protection, there is no meaning; without development and protection, it is impossible to achieve (Wang, 2002). First of all, further clarify the power list and responsibility list of the unmovable surface cultural relics law enforcement team during the inspection, the rights and obligations of unmovable surface cultural relics management and use units, supplement the laws and regulations related to the protection and safety of unmovable surface cultural relics, and divide the differences between unmovable surface cultural relics administration units and management and use units. Secondly, it is necessary to clarify who performs the duties when there are no relevant provisions in the law. Thirdly, by filling in the gaps in the inspection procedures of laws and regulations, strengthen the basis of inspection, standardize the inspection process, and meet the various needs of grassroots inspection in different forms and ways. Finally, standardize the inspection procedures of unmovable surface cultural relics, supervise and urge the management and use units of unmovable surface cultural relics to protect unmovable surface cultural relics, and improve the corresponding punishment measures when the inspected units do not cooperate or fail to enter the protection obligation (Lu, 2022).

7.3. Promote Public Participation

Over the past 40 years of reform and opening-up, China's economic development and social progress have also brought about the rapid formation of civil society and the strong rise of civic consciousness. The people's willingness to pay attention to the public sphere and public interests has become increasingly strong (Li, 2019). Under the background of a modern society ruled by law, with the strengthening of people's awareness of the rule of law, the management of tourist attractions, as a part of the whole social management, will inevitably en-

counter various legal problems (Yang & Han, 2006). In 1964, the Venice Charter established the significance of authenticity in protecting modern international heritage and proposed that “it is our responsibility to pass down the cultural heritage truly and completely”. There are various ways to protect unmovable surface cultural relics. Legal protection has become the first choice for unmovable surface cultural relics protection in various countries because laws are relatively stable and predictable. They also define state rights and obligations and protect the rights and freedoms of citizens. Since the 1970s, various countries have added the mechanism of public participation in the legal system of cultural relic protection (Liang & Xue, 2013). At the same time, it is possible to increase inspectors of unmovable surface cultural relics, security officers of unmovable surface cultural relics, and other auxiliary inspectors to supplement the law enforcement of unmovable surface cultural relics to discover hidden dangers of unmovable surface cultural relics in time and urge protection units to cooperate with the work of inspectors of unmovable surface cultural relics. It emphasizes that the units and individuals that manage and use unmovable surface cultural relics and the streets where unmovable surface cultural relics are located can coordinate, clarify the responsibilities and rights of all parties, and jointly participate in the protection of unmovable surface cultural relics. Popularize the legal knowledge related to unmovable surface cultural relics protection among the masses, enable the masses to form a correct concept of unmovable surface cultural relics protection in the process of unmovable surface cultural relics protection and utilization, improve the citizens’ awareness of their rights and responsibilities, guide them to participate in the practical actions of unmovable surface cultural relics protection, and strive to build a good external environment for the participation of the whole people (Ma & Tong, 2019).

8. Conclusion

Only by deeply understanding the status quo of unmovable surface cultural relics protection in Beijing and seeking the right way to deal with the relationship between protection and development from the overall point of view can we meet the requirements of urban development and create conditions for the protection of unmovable surface cultural relics. Only by playing the role of unmovable surface cultural relics reasonably and then being paid attention to and shared by the public in a specific way can they be protected sustainably and have more substantial vitality.

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