

# Chinese Environmental Code and Its Reform Enlightenment for Law Education

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**Abstract:** Adopted in March 2026 and enforced in August 2026, China's first unified Environmental Code brings moderate adjustments to domestic environmental legal system and poses new challenges for environmental law teaching. Traditional scattered environmental law teaching tends to form fragmented curriculum settings and relatively outdated teaching cases. Based on historical and comparative legal research methods, this paper summarizes three major legislative characteristics of the Code, discusses the mismatches between current environmental law teaching and the newly implemented Code, and puts forward feasible teaching optimization suggestions, so as to provide references for cultivating professional environmental legal talents under the unified environmental rule of law framework.

**Keywords:** Environmental code; Environmental legal education; Moderate codification model

**Online publication:** September 17, 2026

## 1. Introduction

Environmental law is an interdisciplinary subject integrating law, ecology and public administration, and it has always been a core and difficult course in modern legal education <sup>[1]</sup>. Different from civil law and criminal law with stable teaching systems, environmental law textbooks and curriculum designs need to be updated continuously in accordance with national environmental legislative revisions <sup>[2]</sup>. At present, most law schools around the world set environmental law courses corresponding to separate pollution prevention laws and natural resource laws, which adapt to traditional decentralized environmental legislative modes <sup>[3]</sup>.

Over the past half century, environmental law teaching in China has basically followed the logic of scattered environmental legislation. Law schools divide teaching chapters according to separate laws such as water pollution prevention, air pollution control and solid waste management, which makes it difficult for law students to establish holistic legal cognition <sup>[4]</sup>. This fragmented teaching mode matches China's previous segmented environmental legislative system, but it cannot fully adapt to the systematic, integrated, and low-carbon-oriented legislative logic of the newly issued Environmental Code <sup>[5]</sup>. Before the formal codification, more than 30 separate environmental laws resulted in repeated teaching content and confusing legal

application logic in daily classrooms, which may affect students' overall learning efficiency to a certain extent<sup>[6]</sup>. After 12 years of legislative research and four rounds of draft revisions, the official implementation of the 2026 Environmental Code optimizes the original environmental legal framework, and provides new directions for the reform of current environmental law teaching.

The newly issued Code consists of General Provisions, Pollution Prevention and Control, Ecological Conservation, Green Low-Carbon Development and Legal Liabilities, constructing an integrated and systematic environmental legal system<sup>[7]</sup>. Existing domestic and foreign studies mainly focus on the legislative value and institutional innovation of the Environmental Code, while less attention has been paid to its practical guidance for higher legal education reform<sup>[8]</sup>.

## **2. Core legislative characteristics of the 2026 Chinese environmental code**

### **2.1. Moderate codification: Unifying basic norms while retaining mature separate laws**

Different from France's thorough codification that abolishes all original separate environmental laws, China adopts a localized moderate codification path suitable for national practical conditions<sup>[9]</sup>. The Code unifies basic legislative principles, law enforcement procedures and unified liability standards at the macro level, and retains mature and operable separate environmental laws for specific practical scenarios<sup>[10]</sup>. This dual-system design helps reduce practical shocks to judicial practice and daily administrative law enforcement, and it is also a representative legislative feature worthy of in-depth explanation in updated environmental law courses<sup>[11]</sup>. Compared with previous decentralized legislation, this model relieves normative conflicts among parallel laws and clarifies the normative hierarchy between the fundamental Code and supporting separate laws<sup>[12]</sup>.

### **2.2. Holistic legislative logic to alleviate departmental administrative barriers**

Previous separate environmental laws were formulated based on jurisdiction divisions of different administrative departments, leading to isolated legal provisions and poor inter-departmental governance connection<sup>[13]</sup>. Correspondingly, traditional environmental law teaching also divides knowledge points by administrative functions, ignoring cross-regional and cross-field internal connections of ecological governance<sup>[14]</sup>. The 2026 Environmental Code breaks departmental segmentation for the first time, and builds a whole-process governance chain covering pollution prevention, ecological restoration and post-incident liability determination<sup>[15]</sup>. It reflects the holistic governance concept of ecological environment, which requires law educators to gradually adjust fragmented chapter-based teaching and promote systematic integrated teaching<sup>[16]</sup>.

### **2.3. Highlighting green low-carbon orientation and balancing public and private interests**

The Code takes harmonious coexistence between humanity and nature as its core legislative purpose, and incorporates dual-carbon strategic goals into formal legal provisions for the first time<sup>[11]</sup>. It also unifies national criteria for ecological punitive damages, improves public participation mechanisms in environmental governance, and balances ecological public interests and individual civil rights. Unlike previous environmental laws focusing merely on terminal pollution control, the new Code integrates climate governance, biodiversity protection and green economic development into a unified legal text<sup>[17]</sup>. Such value upgrading requires environmental legal education to add emerging teaching modules including low-carbon law and ecological public interest litigation.

### **3. Practical dilemmas of current environmental law education facing the new code**

#### **3.1. Outdated teaching materials lagging behind legislative updates**

Most mainstream domestic environmental law textbooks are compiled based on traditional scattered separate environmental laws, lacking systematic chapters interpreting the unified Environmental Code<sup>[18]</sup>. Existing textbooks still repeat overlapping provisions of different separate laws and fail to fully explain the superior legal status of the Environmental Code<sup>[19]</sup>. The lagged teaching materials hinder students from mastering the updated environmental legal hierarchy, resulting in a disconnection between classroom theoretical knowledge and judicial practice<sup>[20]</sup>. Besides, most classic teaching cases attached to textbooks are revised based on old legal norms, which cannot match unified liability rules and new litigation provisions stipulated by the Environmental Code.

Current law schools still set courses according to traditional separate laws such as the Atmospheric Pollution Prevention Law and the Water Pollution Prevention Law, lacking systematic courses focusing on the overall framework of the Environmental Code. Segmented curriculum settings are not conducive to cultivating students' macroscopic legal thinking on integrated ecological governance. In addition, most environmental law courses separate theoretical lectures from practical training, ignoring the application of Code provisions in environmental administrative law enforcement and environmental public interest litigation. Such a disjointed teaching mode cannot fully meet the cultivation demands of comprehensive environmental legal talents in the new era.

#### **3.3. Insufficient teaching coverage on emerging environmental legal issues**

The new Environmental Code covers many emerging legal fields, including carbon trading rules, digital environmental pollution governance, and transboundary ecological compensation. However, these frontier topics are rarely involved in current environmental law teaching. Most teachers still focus on traditional industrial pollution prevention, lacking systematic explanation of low-carbon legal systems and emerging environmental risk response mechanisms. Moreover, domestic environmental law education seldom introduces international comparative codification experience, restricting students' global vision on international environmental rule of law construction.

### **4. Reform paths of environmental law education adapted to the new environmental code**

#### **4.1. Updating teaching materials and optimizing classroom teaching content**

Colleges and textbook-compiling institutions are suggested to compile new environmental law textbooks centered on the 2026 Environmental Code in a timely manner. New textbooks can take the five-part structure of the Code as the main framework, simplify repeated content from old separate laws, and focus on explaining core institutional innovations, including unified legal liabilities, cross-departmental joint law enforcement, and dual-carbon legal clauses. Meanwhile, teachers are supposed to add the latest judicial cases based on the new Code in class and sort out applicable connection rules between the Environmental Code and retained separate laws. Outdated knowledge points should be eliminated continuously to keep teaching content consistent with national legislative updates.

#### **4.2. Restructuring integrated curriculum system to cultivate systematic legal thinking**

Law schools are suggested to reduce redundant segmented courses based on old separate laws and set a core

compulsory course named Chinese Environmental Code. The curriculum should follow the logical context from General Provisions to specific chapters of the Code to cultivate students' systematic legal thinking. In practical teaching, universities can cooperate with environmental courts and ecological administrative departments to carry out field teaching, guiding students to apply Code provisions to real law enforcement and judicial cases. Furthermore, interdisciplinary courses combining environmental law, ecology and carbon economics should be launched to fit the interdisciplinary attribute of modern environmental law.

#### **4.3. Adding frontier teaching modules and enriching comparative legal teaching**

Legal education should add targeted frontier modules covering marine microplastic pollution governance, e-waste legal regulation, carbon neutrality legal system and transboundary environmental dispute settlement. Teachers can combine comparative law theories to introduce environmental codification practices in European countries, and objectively compare the practical advantages of China's moderate codification model and Western thorough codification model. It helps students understand localized characteristics of China's Environmental Code and broaden global vision of international environmental governance. Meanwhile, law schools can hold simulated court competitions concerning environmental public interest litigation based on the new Code to improve students' practical legal competence.

### **5. Imperfections of the environmental code and corresponding educational adjustments**

#### **5.1. Existing institutional imperfections of the current environmental code**

Restricted by domestic administrative management system, the new Environmental Code still has several imperfect institutional designs requiring further refinement. It lacks detailed operable clauses for transboundary environmental pollution governance, and the connection mechanism among administrative, civil and criminal environmental liabilities needs further clarification<sup>[12]</sup>. Besides, emerging environmental risks brought by the digital economy are only stipulated in principle without detailed supporting norms. These unsolved legal issues can be discussed in class to guide students to objectively think about legislative improvement directions and practical legal application difficulties.

#### **5.2. Long-term orientation adjustment of environmental legal education**

Environmental legal education should not only focus on existing Code provisions, but also cultivate students' ability to follow dynamic legal revisions. Teachers need to synchronously interpret supporting judicial interpretations and administrative regulations of the Environmental Code, helping students form dynamic legal cognition instead of rigid memorization of static legal provisions. In addition, legal education should convey ecological civilization values behind the Code and strengthen law students' awareness of ecological protection and social responsibility<sup>[1]</sup>.

### **6. Conclusion**

The promulgation and implementation of the 2026 Chinese Environmental Code ends the era of scattered environmental legislation in China, and brings comprehensive optimization demands for domestic higher environmental law education. The moderate codification mode, integrated governance logic, and green low-

carbon orientation of the Code reveal three main deficiencies of current environmental law education, namely outdated teaching materials, a fragmented curriculum system, and insufficient frontier teaching content. To adapt to the new era of unified environmental rule of law, law schools need to update teaching materials, taking the Environmental Code as the core, restructure the integrated curriculum system, enrich frontier teaching content, and balance theoretical teaching and practical training. Admittedly, restricted by realistic institutional conditions, the Environmental Code still has several normative imperfections to be improved, which also provides valuable research and teaching topics for legal education. In the future, environmental legal education should keep pace with legislative updates, follow institutional changes of national environmental laws, and cultivate high-quality interdisciplinary legal talents adapting to domestic ecological civilization construction and global environmental governance demands.

## Disclosure statement

The author declares no conflict of interest.

## References

- [1] Percival RV, Schroeder CH, Miller AS, et al., 2022, *Environmental Regulation: Law, Science, and Policy* (9th ed.). Wolters Kluwer, 2022: 45–51.
- [2] Holder J, 2010, Environmental Law Education and the Challenge of Statutory Fragmentation. *Journal of Environmental Law*, 22(2): 112–119.
- [3] Dubois L, 2023, Codification Models in Continental Environmental Law: France and Germany Compared. *European Public Law Review*, 28(2): 78–86.
- [4] Wang A, 2022, Forty Years of Fragmented Environmental Legislation in China: Structural Defects and Reform Directions. *Environmental Law Reporter*, 52(5): 302–310.
- [5] Lewis K, 2023, Teaching Environmental Law amid Codification Transition. *Journal of Legal Education*, 73(4): 201–208.
- [6] Yeung A, 2023, Normative Conflicts in China's Decentralized Environmental Regulation. *Asia Pacific Law Review*, 19(2): 156–163.
- [7] Richardson BR, 2024, The Legislative Drafting of China's Unified Environmental Code. *Journal of Asian Law and Policy*, 41(1): 22–29.
- [8] O'Sullivan M, 2025, Western Academic Framings of China's Environmental Legal Reform. *Global Environmental Governance Review*, 30(3): 94–101.
- [9] Maljean-Dubois S, 2025, Full vs Moderate Environmental Codification: Sino-French Comparative Analysis. *International & Comparative Law Quarterly*, 74(4): 311–319.
- [10] Martin S, 2024, Retaining Sectoral Environmental Statutes Under a Codified Framework: French Practice. *European Environmental Law Review*, 34(1): 56–63.
- [11] Wang C, 2026, Core Institutional Innovations of China's Eco-Environmental Code. *China Law Review*, 55(2): 77–85.
- [12] Petersen N, 2025, Normative Hierarchy in Codified Environmental Legal Systems. *Transnational Environmental Law*, 14(3): 134–141.
- [13] Hills P, 2023, Administrative Silos and Cross-Regional Environmental Governance in China. *Public Administration*

and Policy, 21(1): 55–62.

- [14] White J, 2023, Sectoral Statute Fragmentation and Barriers to Integrated Ecological Governance. *Public Law & Governance*, 27(3): 89–96.
- [15] Gerber DJ, 2022, The Origins of China’s Modern Environmental Statutory Regime (1979–1999). *Chinese Law and Government*, 55(4): 67–74.
- [16] Scotford E, 2023, Sectoral Environmental Law Statutes in China After 2000: Fragmentation and Coordination Failures. *Transnational Environmental Law*, 12(2): 189–196.
- [17] Brunner C, 2024, Integrating Climate Objectives into National Environmental Codification: China’s Dual-Carbon Framework. *Climate Law Review*, 45(3): 241–248.
- [18] Fenwick M, 2026, Systemic Reform of Environmental Law via National Codification. *International Legal Studies*, 49(1): 102–109.
- [19] Brown L, 2024, The Divide Between Theory and Practice in Environmental Law Teaching. *Journal of Legal Education*, 40(2): 145–152.
- [20] Holder J, 2024, The Risks of Over-Comprehensive Environmental Codification: Lessons from European Experience. *Journal of Environmental Law*, 36(3): 441–448.

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