

Research on Legal Protection and Norms in Community Elderly Care Service

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ABSTRACT

With the aggravation of China's aging problem, how to help the elderly enjoy their old age is the current heavy responsibility. On this occasion, the development of community elderly care services has attracted much attention. In this process, the law is a powerful weapon to regulate and guarantee the steady development of community elderly care services. Therefore, based on the concept of community elderly care service, this paper sorts out the current situation and deficiencies of legal protection of community elderly care service, and proposes to improve relevant legislation of community elderly care service. Increase financial support for community elderly care services; Improve the supervision system of community elderly care services; Countermeasures and suggestions to protect the rights of beneficiaries of community elderly care are expected to help the standardized development of community elderly care services.

KEYWORDS

community elderly; Legal protection; Legal rights of beneficiaries; Supervision mechanism for elderly; Care services

1 The Concept of Community Elderly Care Services

Community elderly care service refers to a new service model that provides social services for the elderly in the community with the community as the main and the family as the auxiliary. This service model is not only a single perspective of service, but covers health knowledge popularization, spiritual comfort, cultural entertainment and other aspects of the service^[1]. Compared with the traditional institutional pension model, the community pension service model has the advantages of low cost, fast and convenient, and less impact on the traditional family structure.

2 Current Situation and Deficiency of Legal Protection of Community Elderly Care Services

2.1 The relevant legislative norms of social elderly care services are not perfect

Community pension service is a pension model that fits with the national conditions of our country. The corresponding emerging things usually need complete laws and regulations to regulate and manage, and there is a great demand for legal support. The revised Law on the Protection of the Rights and Interests of the Elderly lacks clear provisions on the specific methods of operation and management details of community elderly care services, which makes the current elderly care services unable to meet the growing and changing needs of the modern society. Not

only that, based on the overall perspective, the current legal efficiency of normative legal documents is low, and it is difficult to meet the needs of elderly care, which will restrict the further development of community elderly care services in China and hinder the efficiency improvement of community elderly care services.

2.2 The fund foundation of community elderly care service is weak

In order to ensure that community elderly care services can be steadily promoted, the financial support of the government is particularly critical. In response to this issue, the Law on the Protection of the Rights and Interests of the Elderly has clearly pointed out that people's governments at all levels should increase capital investment in the field of elderly care services. In view of this, people's governments at all levels have set up special financial funds to promote the smooth development of elderly welfare undertakings, which has laid a solid foundation for the further development of community elderly care services. However, it should be noted that based on the long-term development perspective, the aging trend of the population is increasing, and the elderly care industry can not only rely on government financial subsidies. Although elderly care is an indispensable part of the social security system^[2], and its construction and development cannot be separated from the strong financial support of the government, the government's financial capacity is limited, and it is difficult to fully meet the financial needs of the sustainable development of community elderly care services, so financial subsidies can only be applied to the infrastructure construction of community elderly care. Therefore, in the case of insufficient capital investment, the self-development of community elderly care service institutions and the development of social elderly care service are greatly restricted.

2.3 The supervision of community elderly care services is relatively insufficient

As far as the government is concerned, the government plays an important role in the community pension service. However, in the process of the pension service practice, some local governments have not set up special industry organizations for the pension service, which leads to the lack of self-discipline management in the industry, and the rights and interests of the elderly can not be effectively protected and maintained, which hinders the sustainable development of the community pension service in our country. In addition, in order to ensure that the community elderly care service industry can achieve development results in the initial stage, the Chinese government has gradually introduced a series of preferential policies and measures. However, in the actual development process of elderly care services, these policies have not been fully and properly applied, deviating from the initial goals and intentions, difficult to play their due role, and thus unable to provide strong policy support and impetus for the sustainable development of community elderly care services. As far as community elderly care services are concerned, some elderly care service institutions do not accept any regular or irregular inspection during the whole process from the initial stage of establishment to the final cancellation, which will bring potential risks to elderly care services and reduce the elderly's experience of elderly care services^[3].

2.4 The legal rights of beneficiaries of community elderly care services are empty

The elderly are the main beneficiaries of community service for the aged. According to the Constitution and relevant laws, the elderly have the right to material assistance and service support provided by the state and society, aimed at helping the elderly maintain a normal standard of living and maintain personal dignity and independence. However, the transformation of such legal rights into practical interests requires a series of institutional arrangements to be realized. In these

institutional arrangements, the core part is the accurate identification of the qualifications of the elderly beneficiaries, which is related to whether they can smoothly enjoy the due elderly care services and related benefits, which is also the biggest pain point of the transformation of the legal rights of the beneficiaries.

3 The Concrete Improvement Path of The Legal Protection of Community Elderly Care Services

3.1 Improving legislation on community elderly care services

Law is the criterion of all social behavior and the foundation of social security system construction. Therefore, the local government should take the law as the means of promotion, according to the stability and continuity of the law, improve the relevant legislation of community elderly care services, regulate community elderly care services, and help the scientific development of community elderly care services. Specifically, the first is that the local government should take active measures, based on the law of legislation and the fair protection of the rights and interests of the elderly, formally absorb and adopt the practice tested, reasonable and effective community elderly care service policy, and establish the basic security of community elderly care service. At the same time, in order to improve the efficiency and quality of community elderly care services and clarify the rights and obligations of beneficiaries and payers, local governments should establish and improve legal protection mechanisms, mainly including professional training of service personnel, service credit evaluation and rights protection, promote the standardization and standardized development of community elderly care services, and improve the legal binding force.

3.2 Increase financial support for community elderly care services

A solid financial foundation is the key to the steady operation of community elderly care services. On the one hand, local governments should encourage private capital investment by increasing tax relief and introducing financial credit policies, actively guide social organizations to participate in the construction of community elderly care services, and improve the overall level of community elderly care services. On the other hand, local governments should encourage financial institutions to increase financial support for community elderly care services, and guide financial institutions to provide financial support for elderly product manufacturing enterprises and the construction of community infrastructure to adapt to aging. In addition, local governments should guide fund operating institutions to launch fund products focusing on old-age care, medicine and health, effectively attract and gather a large amount of social capital to invest in community old-age services, meet the growing demand for old-age services, and promote the vigorous development of community old-age services.

3.3 Strengthen multi-party supervision of community elderly care services

In the process of improving the supervision mechanism of community elderly care services, it is not only the responsibility of a single subject of the civil affairs department, but also the cooperation of all departments to assist and cooperate to strengthen the construction of community elderly care services. First of all, all departments need to connect and coordinate social elderly care services, set up special elderly care service organizations based on their own responsibilities and authority, and implement community elderly care services in a classified manner to avoid unified planning. Secondly, all departments recommend talents with good service

attitude, active thinking and high efficiency to join the construction of social elderly care services, strengthen the supply of community elderly care services and strengthen the service force. Finally, all departments should consult together to build a community elderly care service evaluation system, including service staff attitude evaluation, elderly satisfaction evaluation and government supervision personnel duty performance evaluation, so as to strengthen the supervision of community elderly care services.

3.4 Protecting the rights of beneficiaries of community elderly care

Based on the diversity and complexity of society, we provide equal community care services for the elderly. The person in charge of the community elderly care service should be classified according to the different needs and conditions of the elderly, for example, for the elderly with poor physical conditions and need special care, the community should provide corresponding medical and nursing services. For elderly people with less than ideal mental condition, the community should arrange more patient service personnel. For the elderly with high cultural needs, the community should develop rich cultural and recreational activities and opportunities. In addition, the person in charge of community elderly care services should also provide elderly care services to non-native residents of the community, treat them equally, protect the legitimate rights and interests of the elderly, and achieve equal development of community elderly care services.

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