

The Lost Alone Family Pension Dilemma and Legal Perfection

ZHANG Jichang^{[a],*}

^[a]Southwest University, Chongqing, China.

*Corresponding author.

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Abstract

The family planning policy has been implemented for more than thirty years, these years China formed many one-child families, because of the single child deaths, produced a large number of the family. In addition to face the spirit of bereavement for lost the one-child parents, but also they should bear the raised the old no life pressure. Faced with this situation, only through the improvement of laws and regulations, establish a good pension system and medical insurance system, the loss of single elderly people a sense of family, to solve the security problem of this one society.

Key words: The lost alone family; Pension; One-child

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INTRODUCTION

For the lost alone parents increasing, the lost alone family which used to be neglected by society groups is gradually into the public's perspective. They had a positive response to the national one-child policy, but when they are middle-age their only child died of illness, accident cause. According to the survey found that in addition to the family bereavement, the lost alone family also faces the psychological, medical, pension pressure reality a series of problems. But the relevant support policies serious lag, the relevant provisions are too general and vague

that making most of the lost alone family have to face difficulties is that the spiritual loneliness, sickness has no medicine, not care when they old.

1. THE CAUSES AND SITUATION OF LOST ALONE FAMILY

Since nineteen eighties began to implement the family planning policy China has tens of thousands of one-child families. According to incomplete statistics, China's one-child families have two hundred million. Increase the number of the only child changing family structure, compared with the traditional family structure, the one-child families more vulnerable. As long as the children accident, the whole family is likely to collapse or even rupture, the formation of the family. According to the 2012 sixth population census and "2013 Chinese Health Statistics Yearbook" analysis that at present our country lost alone family has more than one million, with the family planning to implement, demographic experts is expected that in 2035 China's lost alone family will be more than 10 million.

Forms of the lost alone family have a direct relationship with the family planning policy. A member of the national committee of CPPCC, Tsinghua University Institute of public administration professor Wangming, who said that "The lost alone family is the product that 'one-child' as the center of the family planning policy. If there is no 'one-child' and the large number of only child, there would not have such large-scale lost alone family." After China full implementation of family planning policy, the only child family becomes. Because of the one child family do not avoid the risk of death in children, so caused the lost alone family. With the serious problem of the lost alone family has become increasingly prominent, the government introduced a number of policies and regulations to guarantee the basic living of the family, but it cannot fundamentally solve the dilemma of the lost

alone family facing. "Population and family planning law of the People's Republic of China" stipulates that the twenty-seventh "The only child accident disability, death, the parents do not bear or adopt another child; the local people's government shall give necessary assistance." But this provision does not explicitly what the lost alone family should be helped. The afternoon of December 26, 2013, the National Health Planning Commission and other 5 ministries issued a notice that the child disability, death of family special assistance gold standard will raised since 2014, the new standard is urban 340 RMB per person every month, rural 170 RMB per person every month, and the establishment of dynamic growth mechanism. But monthly 200-300 RMB funding support obviously cannot solve the lost alone family basic life demand. Although local governments based on a central file are introduced a corresponding subsidy policy on the life of the lost alone family, but the subsidy amount is less, it can not meet the demand of the family simply life.

With the increase of the lost alone family, the social problems caused by this group is more obvious, especially the family pension problem. At present our country old-age were 90% home-based care, 7% community endowment, 3% pension agency. As the main pattern of old-age, home-based care depends on the children to the elderly to provide maintenance obligations. But lost alone family lost their only child, this means that the loss of the pension fund, along with the age old, they will face a series of difficulties.

2. THE LOST ALONE FAMILY FACING DILEMMA

2.1. The Lost Alone Family Facing Psychological and Mental Trauma

China is a traditional, raise children to provide against old age country, children are soul sustenance of parents, and children is the largest family spiritual pillar. When the only child died, this is the moral and psychological destruction for parents. Francis Bacon has such a word in the book "dead": "With the death of all, often to more terrible than death." For alone lost parents, they meaning may more understand this sentence. Alone lost parents when they lost their only child, they become depressed, in order to avoid the acquaintance pity and awkward, they do not with social communication. Some loss single parents secretly sad at home alone; some alone lost parents even be forced to leave one's hometown to cut off all communication; some alone lost parents follow Buddhism; they hope that through the power of religious belief, to achieve spiritual liberation and disperse them inner pain. Lost alone family escape the society, refused to associate with people, this mentality seriously affects the mental and physical health of them, serious they will cause mental disorder, presenility and even death.

According to a household survey of 115 only child accidents found that 6 parents due to excessive pain and mental depression of death when they only child died.

2.2. The Lost Alone Family Facing Medical Problems

With the alone lost parents growth of age, hypertension, heart disease and other chronic diseases of old age come, loss only children caused them to long suppressed, alone lost parents are suffering from varying degrees of depression. At present the domestic price level and medical costs, lost alone family is difficult to bear the basic medical insurance, and before the only child died many lost alone family has spent all their savings, some even in debt, so most lost alone family unable to bear their own medical expenses. Many lost the only old man who has been sick only in the torture of waiting for death.

2.3. The Present Situation of the Lost Alone Family Endowment

At present the social security system is not perfect, pension mode is still dominated by family endowment. "Raise children to provide against old age" is the most simple truth. The traditional concept of raising children to provide against old age is still ingrained in Chinese family; the main source of supply is still the old family life. The lost alone family lost their only child, so they not have been able to obtain living supplies from children. In the city, the main source of income for alone lost parents is pension, but our country's enterprise pension level is low, they can only maintain the family food and clothing if rely on pension; In the countryside, endowment insurance system has not been established, alone lost parents in addition to rely on government assistance only through the work to increased income when they have ability to work. The traditional family pension mode is broken, the lost alone family only seek other pension mode, community care and nursing homes is in the lost alone family the only option, the nursing home expenses is very expensive that the lost alone family can not afford, and most of China's elderly nursing home regulations in need children to sign, this rule make the lost only old man out of the nursing home door. Community support for the elderly in China is still a new thing in exploring, but due to alone lost parents' escape social phenomenon that community endowment also becomes empty.

3. THE SUGGESTION AND LEGAL PERFECTION OF ENDOWMENT FOR THE LOST ALONE FAMILY

The lost alone family problem has become one of the most concentrated in the CPPCC proposal, at present it is a livelihood, but also it is a social focus problem. Although there are some policy concern of the lost alone family, but because of different regions, different

understanding, different government finance, the loss of families care policy are also different. To solve the problem of pension for the lost alone family from the root, to make them elderly will be looked after properly, have someone to depend on, only the establishment of a sound social security system, perfect the corresponding laws and regulations.

3.1 Establish the National Rescue Fund for the Lost Alone Family

In recent years, with the increase of the lost alone family, it can be seen that the number of the lost alone family is affected by the national family planning policy. The lost alone family is a positive response to the national family planning policy, they are victim of the population policy for “One-Child”, they made an important contribution to the control of population growth in China, countries should be shoulder the responsibility to support the lost alone family.

Countries can use the collection of social maintenance fees to set up a rescue of the lost alone family state funds, set up a foundation, on the basis of receiving social donation. The purpose of the foundation is aid for the lost alone family which makes contributions of family planning, the foundation of every rescue fund to the public, and exercising supervision and social supervision in accordance with the relevant laws and regulations. At the same time, the foundation positive investigation and statistics the actual number of the national lost alone family, these data providing the basis for the national family planning policy adjustment.

3.2. Build the Special Pension Institutions for Lost Alone Family and Improve the Medical Service

At present, in terms of old-age care institutions in China are commonly needed a guardian (for children) signed, if there is no guardian they have required the streets or work units where they lived or worked to provide relevant proof. This set obstacles for the elderly in the pension institutions of the lost alone family. In view of this situation, the local government can be established for the pension institution of the lost alone family specialized, simplified procedures, providing the opportunity for the lost alone family who want the institutional endowment. At the same time, the special pension institutions of the lost alone family is also beneficial to the family together, reduce the children to visit the mental stimulation, achieve “Baotuan heating” effect. Let the lost alone family not lonely, such a policy is also a test of goodness of state responsibility.

In terms of medical service, medical assistance should be provided free of charge for senile disease of the family, for suffering from serious illness lost only old man, should establish corresponding relief mechanism, Funds provided by the establishment of the rescue fund or by the

local government in the annual budget to set up a special fund, by the relevant departments to use. Economically developed areas can be unified purchase commercial insurance by government, for the lost alone family to provide medical service safeguards, prevent poverty by illness.

3.3 Perfect Relevant Laws and Regulations

At present, we have the legal protection of the family only in “Population and family planning law of the people’s Republic of China” and “Protection of the rights and interests of the people’s Republic of elderly people” as prescribed in the regulations, but this two act lack of mandatory and maneuverability, to safeguard the interests of the family pension.

“Population and family planning law of the People’s Republic of China” stipulates that the twenty-seventh “The only child accident disability, death, the parents do not bear or adopt another child, the local people’s government shall give necessary assistance.” This provision does not make specific provisions on the loss of family support; it can be modified in this case. Specify the lost alone family support the gold standard, such as government can be explicitly set the lost alone family assist gold standard according to the local minimum wage; the provisions of the lost alone family pension problems clear, such as the establishment of specialized pension institution of the lost alone family; clear provisions on the family to provide spiritual comfort, such as local government set up a special community workers, provide effective psychological counseling to the lost alone family, realize the lost alone family support.

The lost alone family is the product of the family planning policy. With the aging of the population becoming more and more serious, the lost alone family gradually increased, China’s family planning policy should also be adjusted. Although the country introduced single family can have a second child in 2013, but only let single family planning policy, to change the aging of the population and the lost alone family’s growing number of problems is not enough. Since 1990 after China’s fertility rate is below the replacement level, only to increase the fertility rate in our country to the alternation of generations level, can alleviate this problem. So the author proposed amending the eighteenth of “population and family planning law of the People’s Republic of China”, open the family planning policy, allowing a couple have two or three children. Yi Fuxian, who is population experts, in his book “A big country in an empty nest-wrong direction of China’s birth control policy” say in order to make China’s fertility rate reached replacement level, three children per couple.

The newly revised “the People’s Republic of China Law on the protection of the rights and interests of the elderly” in July 2013, this law is very vague in protecting

lost only old man's provisions, only mentioned in article thirty-first. The provisions of article thirty-first

The old people who without the ability to work, no source of income, no supporters are, or their supporters are truly does not support the ability to support, they should be made by the local people's governments at various levels in accordance with the relevant provisions to give support or assistance.

"The law on the protection of the rights and interests of the elderly" to safeguard the rights and interests of the elderly pension rights, lost only old man rights should be special care. Only to be reflected in legislation, to better safeguard the rights and interests of the lost only old man.

CONCLUSION

With the family planning policy to continue to implement, our country the lost alone family is increasing year by year. The pension problem of the family is the whole society can't avoid the topic. Notes said: "The sense of security, and have been strong with, a director of the young, though the disabled person, all have to keep." Only by establishing the corresponding guarantee system from the system, the integration of community resources, in order to protect the elderly pension rights, especially

the lost alone family pension rights and interests, then to achieve real sense in a harmonious situation of security.

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