

The Theoretical Basis and Practical Path of Legal Guarantee for Rural Revitalization

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ABSTRACT

In 2021, China promulgated the Rural Revitalization Promotion Law, which provides an important legal guarantee for the comprehensive promotion of the "five Revivals" in rural areas and the realization of common prosperity. In the course of the continuous development of the rural economy and society, there are still problems such as insufficient industrial development planning, imperfect public legal service system, low level of governance legalization, and challenges to ecological development. Comprehensive measures need to be taken through improving legislation in the agricultural field, perfecting the rural legal service system, promoting rural governance legalization, and strengthening rural ecological environment governance. In order to solve the problems that exist in the current process and give full play to the role of the rule of law in safeguarding and promoting rural revitalization.

KEYWORDS

Rural revitalization; Rule of law guarantee; Institutional building

1 Introduction

The rural revitalization strategy, as a major decision to address China's "agriculture, rural areas and farmers" issues in the new era, has far-reaching implications for achieving modernization of agriculture and rural areas, narrowing the gap between urban and rural areas, and promoting integrated urban-rural development ^[1]. The promulgation and implementation of the Rural Revitalization Promotion Law, which provided a solid legal basis and institutional framework for rural revitalization. The rule of law, as the fundamental approach to governance, plays an indispensable role in safeguarding the legitimate rights and interests of farmers, optimizing the allocation of resources, and promoting the modernization of rural governance. Therefore, in-depth research on the theoretical basis and practical path of the legal guarantee for rural revitalization is of great theoretical and practical significance.

2 The connotation of Legal Guarantee for Rural Revitalization

2.1 Rights Protection: Building a Legal Defense Line for Farmers' Rights and Interests

Farmers are the core subject of rural revitalization, and the protection of their rights in accordance with the law is the primary goal of legal protection. In terms of land rights, the law clearly defines the property rights attributes of land contract management rights, fundamentally stabilizing farmers' expectations of land; In terms of homestead rights, farmers' right to use and reasonable income are guaranteed through the system of confirmation and registration and voluntary and paid withdrawal; Property rights cover farmers' houses, agricultural machinery and other private and collective assets, with legal procedures to ensure farmers' rights to know, benefit from and make decisions about the assets. Social security rights focus on the integration of urban and rural social security, narrowing the gap in pensions, medical care and other security for urban and rural residents, and allowing farmers to share the universal benefits of the social security system.

2.2 Institutional Supply: Building a Legal System that Fits Rural Development

The core of institutional supply is to establish a legal system that is compatible with the rural revitalization strategy, to fill institutional gaps and resolve conflicts. Industrially regulate new forms of rural industrial integration and clarify the legal status and operation mode of the collective economy; Ecologically, strengthen legal connections and strictly control pollution and resource utilization; In terms of governance, improve villagers' self-governance, refine the rules of procedure, clarify the responsibilities of the village affairs supervision committee, and enhance the standardization level of rural governance; In terms of culture, regulations concerning the protection of traditional villages and intangible cultural heritage should be formulated to prevent the marginalization of rural culture.

2.3 Governance Optimization: Promoting the Transformation of Rural Governance to the Rule of Law

The essence of governance optimization is to reconstruct the rural governance system through the rule of law and achieve a positive interaction between government governance and villagers' self-governance. In terms of regulating government behavior, define the boundaries of government rights and responsibilities in accordance with the law, respect farmers' autonomy in production and operation, and incorporate the effectiveness of the legal system into the assessment. In terms of activating villagers' self-governance, by amending the Villagers' Committee Organization Law, improving democratic decision-making procedures such as "four deliberations and two public announcements", innovating the "village regulations + law" model, strengthening legality review, achieving an organic connection between self-governance norms and national laws, and clarifying the legal path for multiple subjects to participate in governance to build a pattern of collaborative governance.

3 Legal basis for the Legal Guarantee of Rural Revitalization

3.1 Constitutional Basis: Institutional Foundation at the Fundamental Law Level

China's Constitution provides the highest legal basis for the legal guarantee of rural revitalization. Article 33 of the Constitution clearly stipulates the principle of "the state respects and safeguards human rights" and incorporates the core rights of farmers into legal protection, which is the starting point and ultimate goal of the construction of the rule of law for rural revitalization. In terms of the rural economic system, Article 8 establishes a dual management system in rural areas and guarantees farmers' status as the main body of land management. In addition, the provisions of Article 111 regarding the nature and functions of villagers' committees provide constitutional support for grassroots self-governance. These constitutional provisions together form the foundation of the legal guarantee for rural revitalization, and any legal system design related to rural revitalization must follow constitutional principles.

3.2 Policy Basis: Supported by the Framework of Specialized Legislation

The Rural Revitalization Promotion Law, which came into effect in 2021, is the first specialized law in the field of rural revitalization in China and provides a direct legal basis for legal guarantees. With the aim of promoting comprehensive rural revitalization, the law builds a comprehensive institutional framework, explicitly supports the integrated development of rural industries, encourages all kinds of talents to return to their hometowns to start businesses, adheres to the concept of green development, refines government responsibilities and financial, financial, social participation and other guarantee measures, and converts the major decisions and plans of the Central Committee of the Communist Party of China on rural revitalization into legal norms. It provides clear legal guidance and institutional guarantees for the implementation of the rural revitalization strategy.

3.3 Jurisprudence Basis: An Inherent Requirement of the Rule of Law Concept

The legal guarantee for rural revitalization is in line with the inherent logic of the integrated construction of a law-based country, a law-based government and a law-based society. From the perspective of a country under the rule of law, the rule of law in rural governance is an inevitable requirement of the rule of law in national governance, and the allocation of resources, the operation of power and the protection of rights related to rural revitalization all need to be brought into the track of the rule of law. The rule of law government requires local governments to administer according to law, and the provisions of the Rural Revitalization Promotion Law on the responsibilities of the government are the embodiment of its system. A law-based society needs to foster a culture of the rule of law in rural areas and resolve conflicts and maintain fairness through the rule of law. At the same time, land expropriation and the disposal of collective assets must follow the principle of due process, guarantee farmers' right to know and participate, and achieve good governance in rural areas.

4 Basic Principles of Legal Guarantee for Rural Revitalization

4.1 The Principle of Rights Protection: A Rule of Law Orientation Centered on Farmers' Rights and Interests

The principle of rights protection is at the core of legal protection for rural revitalization, essentially putting farmers' rights first and safeguarding their legitimate rights and interests with legal rigidity. In terms of land rights, the law guarantees the stability of land contract management rights, regulates land transfer, and safeguards farmers' rights to information, bargaining, and income; Property rights protection covers farmers' private property and collective assets,

with clear ownership through legal procedures, and guarantees farmers' rights to income distribution and democratic decision-making of collective assets ^[2]; In terms of social security rights, we will promote the integration and connection of social security between urban and rural areas, ensure farmers' equal enjoyment of social security rights and interests, and enable farmers to obtain tangible rights and interests protection in rural revitalization.

4.2 The Principle of Fairness and Justice: The Legal Pursuit of Narrowing the Urban-rural Gap

The principle of fairness and justice requires breaking down the institutional barriers of the urban-rural dual structure through legal means to achieve the rational allocation of urban and rural resources and the fair sharing of development achievements ^[3]. In terms of resource allocation, legislation should be enacted to ensure investment in public services such as education, healthcare and culture in rural areas and narrow the gap in public services between urban and rural areas. In market competition, create a fair market environment for rural industrial development, ensure farmers' equal participation in market competition, and prevent disorderly expansion of capital. In terms of equality of opportunity, ensure fair participation of farmers in industrial development, rural governance and public services, and truly achieve equality of rights, opportunities and rules for urban and rural residents.

4.3 Principle of Multi-party Governance: A Legal Framework for Promoting Rural Governance in a Coordinated Manner

The principle of multi-party governance clarifies the rights and responsibilities of multiple parties such as the government, the market, society and farmers through law, and builds a system of collaborative governance. The government plays a leading role, performs its duties in accordance with the law and avoids excessive intervention; Market entities participate in industrial development within the framework of the rule of law, operate in a regulated manner and fulfill their responsibilities; Social organizations participate in rural education, culture, elderly care and other services in accordance with the law; Farmers participate in governance through self-governance and supervision. Ultimately form a co-governance pattern of positive interaction and coordinated interests among multiple parties, and consolidate the synergy for rural revitalization.

5 Practical Paths for the Legal Guarantee of Rural Revitalization

5.1 Improve the Legal System for Rural Revitalization

5.1.1 Systematic Improvement of Legislation at the National Level

National legislation is at the core of the legal system for rural revitalization. Based on the Rural Revitalization Promotion Law, we should accelerate the formulation of detailed implementation rules in various fields and build a supporting system of "parent law + subsidiary law" ^[4]. Revise the Agriculture Law, add a special chapter on industrial revitalization, strengthen legal support in agricultural science and technology, seed safety and brand building, and clarify the government's legal responsibility for infrastructure investment; Improve the Environmental Protection Law, add provisions on rural ecological protection, and strictly supervise and hold accountable for agricultural non-point source pollution, black and odorous water bodies, and soil remediation; Improve the Social Security Law, break the urban-rural dual structure, standardize the connection of social security, expand the coverage of rural assistance, and achieve substantive equality of farmers' social security rights.

5.1.2 The Supplementary and Experimental Role of Local Legislation

Local legislation, as a supplement to national legislation, should be piloted first based on regional characteristics. The eastern region can focus on the reform of the land system to standardize the process of entering the market and the distribution of benefits for collectively-owned business construction land, and safeguard the collective income rights of farmers; The major grain-producing regions in the central and western regions focus on food security, improve the construction of high-standard farmland, the protection of cultivated land and the mechanism of benefit compensation, and bring the guarantee of grain production under the rule of law.

5.2 Strengthen Law Enforcement and Judicial Guarantees in Rural Areas

5.2.1 Strengthen Grassroots Law Enforcement Capacity to Prevent Selective Law Enforcement

Grassroots law enforcement is the key to the implementation of the rule of law in rural areas, and efforts should be made to address the problems of selective law enforcement and passive law enforcement. On the one hand, build professional law enforcement teams, strengthen them through special recruitment and targeted training, and establish a

dynamic adjustment mechanism for staffing that matches law enforcement tasks. On the other hand, strengthen the standardization of law enforcement, promote the "Internet + law enforcement" model, and rely on mobile law enforcement terminals to achieve full traceability of law enforcement ^[5]; Establish a law enforcement checklist system, clarify the law enforcement rights and responsibilities of each department, unify law enforcement standards, and avoid multiple and repetitive law enforcement; Improve the multi-party law enforcement supervision mechanism, seriously hold accountable for unfair law enforcement and other acts, link law enforcement assessment with rewards and punishments and promotion, and force law enforcement to be standardized and transparent.

5.2.2 Set Up Village Circuit Courts to Facilitate Judicial Relief for Farmers

Extend judicial services to rural areas and build a convenient and efficient relief network. Regulate rural circuit courts, rationally define areas and frequencies, set up fixed trial sites to handle cases on the spot, focus on high-incidence disputes such as land, homestead and agricultural product sales, invite people's assessors to participate, take into account both legal principles and local sentiments, and enhance judicial recognition. Deepen the "one-stop" rural judicial service center, integrate functions such as litigation, mediation and legal aid, set up service Windows in towns and townships, and provide judicial services at the doorstep. We will reduce or defer litigation fees for farmers in difficulty, simplify legal aid applications, open green channels for special groups, and effectively lower the threshold for farmers to protect their rights.

5.3 Foster a Culture of Rule of Law in Rural Areas

5.3.1 Strengthen Legal Publicity and Raise Farmers' Legal Awareness

In response to the problem of traditional law popularization being "flood-like" and disconnected in content, innovative ideas and methods are needed to achieve precise, life-oriented and regular law popularization. Innovate legal education carriers, shift "law into the countryside" from one-way indoctrination to interactive participation, build legal culture bases in the countryside, set up legal publicity boards and reading rooms in village committees and cultural squares, and arrange legal art programs in combination with folk activities, so that farmers can receive legal education while having fun. Implement the "Legal Literate Person" training program, select legal education backbone, and after training, answer farmers' questions and share their experiences in daily life to form a pattern of legal education involving all.

5.3.2 Give Full Play to the Supplementary Role of Village Regulations and Conventions to Promote the Integration of the Three Governance Systems

First, standardize village regulations and conventions to achieve a positive interaction with national laws. Strictly follow the democratic procedures for their formulation and revision, and conduct a legality review to ensure their legality, democracy, and compliance with public order and good morals. Secondly, improve the connection mechanism to activate the governance effectiveness of village regulations and folk conventions. Implement a points system, quantify compliance with points and provide positive incentives, and impose constraints on violations through criticism, education and notification. Finally, foster a culture of rule of law in rural areas and strengthen cultural support. Carry out rule of law creation activities and set up advanced examples; Integrate core values into local regulations and conventions to form good behavioral habits; Relying on organizations such as the Council of Local Elders, resolve conflicts through moral education, let the spirit of the rule of law permeate the countryside and nourish the people's hearts, and provide a deep cultural support for rural revitalization.

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