

Study on the Legal Protection of Farmers' Rights and Interests after the Implementation of Co-habitation in Villages

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Abstract: The strategy of rural revitalization is an important measure of China's rejuvenation, in which the policy of "combining villages and living together" conforms to the current rural development form. How to protect farmers' rights and interests in the implementation of the policy, the law is essential. This paper uses examples, quotations and other methods to demonstrate that policies and laws need to be combined with reality in order to protect the rights and interests of farmers after they live together in villages. Based on the foundation of rural revitalization, this paper uses legal thinking to analyze the current situation of farmers after the implementation of co-village, puts forward legal problems and thinks about solutions. Protecting farmers' rights and interests through laws and enabling farmers to actively join and live together in villages has important reference value for the implementation and the development of related laws after living together in villages.

1. Introduction

According to the data of the National Bureau of Statistics, the rural population in China was 590.24 million in 2015, and by the end of 2022, it was only 491.04 million, a decrease of nearly 100 million. From the data, it can be seen that the rural population in China has been declining year by year in recent years, and the loss is very serious, which has led to the rural areas becoming "hollow villages" soon or already. The combination of villages is the corresponding policy to solve the problem of "hollow villages".

The starting point of living together in villages is to improve people's lives. Through living together in villages, we can reduce "hollow villages", save land, increase land utilization, reduce consumption and pollution of environmental resources, improve farmers' living standards and reduce population dispersion. Living together in villages has not been implemented on a large scale, precisely because of the frequent contradictions between the government and farmers in various pilot projects, and the conflicts between government interests and farmers' rights and interests. Tracing back to the source, living together in villages will ultimately serve the people. Therefore, how to effectively protect farmers' rights and interests in the case of co-existence of villages is more worthy of study than discussing whether the policy of co-existence of villages is reasonable. On the basis of the implementation of the policy of living together in villages, this study mainly discusses

the existing problems in the implementation of the policy of living together in villages, analyzes the reasons for its existence, and tentatively puts forward suggestions for improvement to protect the legitimate rights and interests of farmers.

2. The connotation and development process of living together in villages

Living together in villages is also called merging villages. In some parts of China, under the historical background of accelerating urbanization and establishing a new socialist rural system, in order to change the backward agricultural structure and economic management system, improve the people's production and living environment, and better develop intensive land use economy, natural villages are integrated, and rural communities are reformed and explored.

One of the reasons for the coexistence of villages is that the government is heavily in debt and the urban land is full. By tearing down small villages and living together, saving them into large communities and selling these construction land indicators to developed areas, the government's debt crisis can be lifted and a large number of collective construction land can be released. The second reason is that some provinces have a large rural population, small villages, high density and high management costs. The rural population can be centrally managed by living together in villages, and the rural economy can develop if the peasant population is concentrated. Living together in villages is not a new problem. As early as 2001, Shandong Province issued the Notice on Strengthening and Improving the Management of Construction Land in Small Towns, in which "merging towns" and "fully tapping the potential of construction land in small towns" were the embryonic form of living together in villages.^[1]

The overall development of co-habitation in villages can be divided into two stages: the first stage aims to summarize the successful experience of typical models, reveal the laws of rural development and urbanization development, and pay attention to the motives, methods and positive effects of co-habitation in villages; The second stage of study focuses on the motivation, mode and signs of learning from experience, correcting alienation and guiding the development of village houses according to local conditions. The first stage (1980~2006) is a top-down planning model. At this stage, the implementation scope of joint village residence is small, and most of them are naturally produced with the development of villages. As a means, joint village residence is used to rectify the rural living environment and promote the development of rural economy. The second stage (from 2007 to now) is a top-down administrative model, with the government as the main promoter, characterized by accelerating urbanization, alleviating land conflicts, short time and quick results, and taking the "increase or decrease" policy as the starting point to guide the implementation of village coexistence.^[2]

Despite many years of practical experience, theoretical support and policy assistance, in the current society, co-habitation of villages is only carried out in a small number of areas. Therefore, when the concept of co-habitation of villages is initially heard, most people will think that farmers will basically get great benefits from co-habitation of villages, and few people will pay attention to the problems that occur in the middle of the village.

3. Problems existing in the process of living together in villages

3.1 The concept of conflict between the government and farmers

So far, in the process of merging villages and towns, the lack of close contact between the government and farmers is one of the reasons why the work of merging villages and towns is difficult. The government is eager to make achievements, but farmers think that the benefits of merging villages and towns are not enough for them to give up the land they depend on for their livelihood, especially the older generation of farmers, whose ideas are more rigid. For them, no matter how much money they give them, it is not as good as planting land and raising livestock in

their own houses, and intensive cultivation has always existed in their minds.

Some farmers who are unable to survive rely on land lease to obtain their livelihood, and their particularity also needs to be considered. For example, the rural elderly who have no support and can only live on land and some farmers who have lost their ability to work can only rely on land outsourcing or planting crops. Their dependence on land is huge. The existence of special circumstances such as ancestral halls, ancestral houses, cemeteries in their own fields, and urban population buying land in rural areas is also one of the reasons why the government's work of merging villages and living together is difficult.

Taking Heze as an example, the local government established a pilot project of village merger and settlement through democratic consultation using normative documents. But in practice, the grass-roots government forces the integration of village and life. In order to force the villagers to sign the relocation contract, a series of radical behaviors have seriously affected the production and life of the villagers.^[3]00This kind of radical behavior has seriously damaged the image of the government, which should be avoided in the process of living together in villages. Good communication is the forerunner for farmers to understand the government. Lack of good communication will lead to frequent problems in the process of living together in villages. Farmers may not meet the compensation standards for living together in villages, and the government may act in advance without compensation. Farmers cannot support government work because the government does not communicate closely with farmers.

There may be a certain gap in communication between the government and the people. The government can't inform every local farmer in time. Most of these farmers go out to work or live in other places, and they can't know the development of the work in time, which makes it difficult for the government to deeply understand the real needs and ideas of the people, and it is difficult for the people to understand the corresponding policies and specific measures such as compensation and relocation. This lack of close contact may affect the scientificity and effectiveness of government decision-making, and may also reduce people's trust and satisfaction with the government. However, the appeal of rural grassroots organizations is limited, and it is difficult to form cohesion among grassroots people. It is difficult for grassroots cadres to play a leading and exemplary role, and villagers' awareness of self-management and self-service is not strong, which makes democratic management seriously lag behind.

3.2 Compensation standards are not clearly defined

The local government plays a leading role in land acquisition and demolition, and in order to complete the task as soon as possible, it is inevitable to use its own coercive force to carry out violent demolition. However, the right of landless farmers in a weak position to participate in consultation on an equal footing is not satisfied, and disputes will inevitably arise between landless farmers and the land acquisition government.

The government finance can't keep up with the speed of living together in villages, and the government doesn't have a lot of financial support, so the compensation standard for living together in villages is lowered. After farmers demolish old houses and buy new ones, they may spend all their compensation expenses and savings, or even get into debt. Relevant laws stipulate that the government should compensate the landless peasants for land expropriation, which mainly includes three parts: land compensation fee, resettlement subsidy, young crops fee and ground attachments, but only stipulates the compensation behavior of agricultural land expropriation in principle. Local governments change the ownership of land through the policy of linking land increase and decrease, and transform the collectively owned land, but only give a small amount of compensation. Land expropriation leads to land-expropriated farmers not only facing economic losses in a short time, but also bearing mental pressure. In the long run, if there is no sustainable source of income, and urban residents can't enjoy the same social security, then landless farmers will become landless,

unemployed and insecure.^[4]

According to the survey results in Huining, Dangchang and other places in Gansu, generally speaking, the average price of replacing old houses with new houses is 500-600 yuan/m², and the average price of side houses is 200-300 yuan/m². The compensation for adobe houses and simple houses is low, but the price of replacing houses is 1200-1500 yuan/m² due to different floors and orientations, and the replacement area is less than 18,000 yuan. Even with state compensation, it is far from enough to buy new buildings. However, the newly-built houses need to be renovated, and some household items that were originally moved into the new houses cannot be moved into the new houses, so they need to buy a lot of daily necessities. According to a survey of 367 households in 23 communities, 62.3% of the households (182 households) are heavily in debt because of the demolition and purchase of new houses. After moving upstairs, the costs of property, heating and gas that did not exist in the original rural yards have become a heavy burden for farmers.^[5]

3.3 Farmers find it difficult to find jobs after the villages are merged

After living in the same village, losing land in the eyes of the older generation is equivalent to losing the source of income, and the government compensation may not be enough to maintain their future life; In the eyes of young people in rural areas, living together in villages has deprived them of certain living security and income; Some farmers who only know how to farm have lost the only way to survive, and the employment problem of these farmers remains to be solved.

Most of the hollow villages lack employment opportunities. Lack of employment opportunities, farmers have to "go out to work" in order to make a living, thus forming a hollow village. Blindly living together in villages will only make farmers "homeless"^[6].

3.4 The coexistence of villages lacks the support of high-ranking laws

Although the implementation of rural merger is guided by the guiding principles of national policies, there is no high-level legal document directly stipulating the practice of rural merger at the national level, except for individual administrative guiding documents issued by the State Council in 2016 and 2018 to guide local governments to develop rural merger. At the local level, the Administrative Measures, which came into effect in Shandong Province, expired at the end of 2019, and the village merger that Shandong Province vigorously promoted in early 2020 obviously lacked the strong support of national laws. Although the civil affairs department of Jiangsu Province issued a legal document to guide the implementation of village merger in 2020, there is no doubt that the state's high-level legal support for local village merger has been lacking.^{[3]132}

4. Suggestions on how to protect farmers' rights and interests when villages live together

In the above questions, there are also cases in reality, and we give the following suggestions:

4.1 Respect the wishes of farmers and give priority to agriculture

Farmers have the right to agree or disagree to live together in villages, and it is impossible to demolish and build large buildings. The government needs to keep close contact with farmers, carefully preach the local government's policy of living together in villages, explain the policy in detail, take the people as the center, understand farmers' needs, protect farmers' interests, communicate well with farmers, understand farmers' needs, and promote the possibility of living together in villages through communication with farmers.^[7]

When the government meets farmers who disagree in the work of co-living in a village, it should know the reasons why the other party disagrees in time, and concentrate all the reasons to solve them in a unified way, so as to satisfy the farmers, so as to voluntarily participate in co-living in a

village and come to the center, so as to arouse the enthusiasm of farmers. The government promotes farmers' active participation by describing in detail the benefits of the policy of co-living in villages.

We must persist in seeking truth and being pragmatic, stress practical results, properly handle the relationship between "building a model" and "building a landscape", and resolutely oppose image projects and superficial articles. Demonstration-oriented rural revitalization can create some models, but it must play an active role in the demonstration effect on the premise of financial and material resources and seeking truth from facts, instead of blindly using limited resources for face-saving projects. Rural work directly serves farmers and is subject to inspection by farmers at any time. We must focus on the universality, foundation and bottom-up of people's livelihood construction, and focus on solving the practical problems of farmers' production and life, so that every farmer can benefit and get tangible benefits.^[8]

4.2 Communicate with the people in time, and notify them as soon as possible

It is necessary to keep close contact with the masses, handle the relationship between government-led and farmers' main body, and effectively change the practice of the government doing all the work. The policy of living together in villages needs to be well publicized, so that farmers can actively participate in the work of living together in villages. The propagandists selected by the government should establish good communication with farmers, instead of oppressing people with power or forcing farmers to cooperate with their work by other means. If there is a problem in communication between the government and farmers, the propaganda of living together in villages will not be in place, which will also lead farmers to resist the work of living together in villages and refuse to cooperate with the government. The propaganda of living together in villages also needs suitable candidates.

For a farmer who is dependent on land, land and homestead are extremely important. They represent security and the existence of family. These farmers can't agree to give up their land and choose to live upstairs because of the simple remarks of the government, and there are many illiterate and semi-illiterate farmers in rural areas, especially the older generation of farmers. Therefore, the government must consider the needs of these people, and can't take actions across the board to harm their interests. This also requires detailed publicity by the government and legal rights and interests.

4.3 Clear compensation measures, guarantee first

The government should disclose all the processes of living together in villages to the public, so that farmers can understand the policy of living together in villages. The policy needs to be tailored to local conditions, closely linked with farmers' problems, understand the needs of rural elderly people, solve the problem of providing for the elderly in rural areas, and provide protection for the elderly in the future. Understand the living problems of farmers after the demolition of old houses, whether the compensation is enough to buy houses, and whether the compensation can guarantee farmers' life after losing their land. After farmers go upstairs, they need to pay all kinds of fees, whether the location of the resettlement buildings is reasonable and other issues need to be solved, and for the special existence in rural areas, there should also be corresponding policies to solve these problems. Only by solving these problems can farmers voluntarily participate in the policy of living together in villages. It is necessary to combine the requirements of the central government with local conditions, consider the differences of different stages, regions and groups, adjust measures to local conditions, classify and innovate governance, ensure that the model is compatible with the level of rural economic development, coordinate with regional culture and local customs, and find a model and path suitable for local conditions and farmers' needs.

4.4 Create employment opportunities and stimulate enthusiasm

The coexistence of villages will make resources more rationally allocated, and entrepreneurs can share resources such as infrastructure and public services, reduce operating costs and improve operating efficiency. And large-scale development can bring more jobs and stimulate farmers' entrepreneurial enthusiasm. The government can correspondingly introduce supporting policies, guide farmers to find jobs and start businesses, increase vocational skills training for farmers according to job requirements, broaden labor export channels, and increase farmers' income.

Farmers' entrepreneurship and employment can be not limited to traditional industries, relying on the platform to further explore the local natural resources, human resources, market resources and other values in rural areas, and combine digital economy with rural development. The government should develop entrepreneurial projects in line with local advantages, provide systematic personnel training and skills training services, and provide more diverse entrepreneurial and employment opportunities for the majority of farmers.^[9]

4.5 Adhere to the people-centered development thinking for scientific justice

Living together in villages should adhere to the leadership of the Party, follow the socialist core values, persist in taking the people as the center, persist in sustainable development, persist in innovation-driven, persist in open cooperation, and adhere to the guarantee of the rule of law, so as to ensure the political direction that has always been maintained in the process of living together in villages, and provide a solid foundation for realizing the goal of building a socialist modern country in an all-round way.

General Secretary Xi stressed: "Governments at all levels must earnestly implement the Civil Code as an important measure to promote the construction of governing the country according to law, and take the Civil Code as an important yardstick for administrative decision-making, administrative management and administrative supervision. It is not allowed to violate laws and regulations and arbitrarily make decisions that harm the legitimate rights and interests of citizens, legal persons and other organizations or increase their obligations. " Leading cadres at all levels should not make decisions that harm the legitimate rights and interests of citizens, legal persons and other organizations when dealing with rural merger, but should implement the spirit of protecting citizens' personal, property and personality embodied in the Civil Code and the requirements of building a government ruled by law. We must establish a correct view of political achievements, and strive for good rather than fast. We should do our best, do what we can, do not raise standards, do not raise our appetite, and do as many things as we have the ability^[10].

5. Conclusion

In contemporary society, there are many farmers who go to cities and towns to buy houses. I believe that most farmers still yearn for a better life, but all kinds of problems in the process of living together in villages make them afraid and retreat, and they choose not to agree because they don't understand the policy of living together in villages. After all, in the hearts of most farmers, being satisfied with the status quo will not get into trouble and will not lose their own interests.

At present, the co-habitation of villages is still in the pilot stage. We should sum up the problems existing in the co-habitation of most villages and make reasonable solutions in the subsequent co-habitation policies. The government should make good use of the law to implement the co-habitation policy and protect farmers' rights and interests, which is a necessary action to realize rural revitalization at an early date.

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