

The Rule of Law Approach to Rural Governance in the New Era

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Abstract: To promote the orderly progress of rural governance in the new era and ensure the coordinated development of "three governance integration", we must fully understand the important role of the rule of law and clarify the positioning of the rule of law in the rural governance system. At present, the development of the rule of law in rural governance in China still has some problems, such as the unreasonable relationship between the subjects of the rule of law governance, the insufficient use of the endogenous rule of law culture in rural governance, and the insufficient rule of law services in rural governance. To promote the legalization of rural governance, we must straighten out the relationship between multiple subjects of rural governance and promote coordinated governance; Fully tap the endogenous cultural resources in rural areas and optimize the environment of rule of law; We will improve the rule of law service system for rural governance and improve service quality.

Keywords: Rural Governance; Rule by Law; Rural Vitalization

1. The connotation of the construction of countryside ruled by law

1.1. The construction of the countryside under the rule of law is essentially the basic project of the strategy of comprehensively governing the country according to law and the strategy of rural revitalization

Over the past 40 years of reform and opening up, with the tremendous changes in China's economic and social, rural society has also undergone significant changes. The overall living standard of farmers has improved, and their political and cultural awareness has gradually increased. Significant changes have taken place in the rural economy in terms of planting structure, business orientation, and the total amount of non-agricultural industries. Structural changes have also taken place in rural agricultural population mobility, farmers' occupational differentiation, and other aspects. However, the ideological and moral quality, scientific and cultural quality and health quality of farmers are generally not high, the level of agricultural modernization is still low, and there is still a large gap between the level of rural economic and social development and that of cities. The issue of rural agricultural farmers is still a fundamental issue related to the national economy and the people's livelihood. The report of the 19th National Congress of the Communist Party of China put forward the strategy of rural revitalization for the first time, and regarded it as one of the major strategies for building a well-off society in an all-round way. Therefore, the rule of law rural construction not only helps to achieve the "three rural" development goals, but also can achieve the goal of rural revitalization. The rule of law rural construction is also the basic project of implementing the rural revitalization strategy in essence.^[1]

The construction of the rule of law countryside is the basic project of the comprehensive rule of law strategy and the rural revitalization strategy. Its foundation is shown in three aspects: first, compared with the macro construction of the rule of law country, the rule of law government and the rule of law society, the construction of the rule of law countryside is more fundamental and belongs to the basic field; Second, relative to the modernization of the national governance system and governance capacity, the construction of the rule of law countryside belongs to the basic level of the governance system and the end of the governance capacity, which directly restricts the national governance system and governance capacity and plays a foundation role; Third, compared with the implementation of the rural revitalization strategy, although the rule of law rural construction is not the whole strategic content or the most important area, it is the basic guarantee for the implementation of the rural revitalization strategy.

1.2. The rule of law rural construction is an activity of gradually improving the rural governance system combining autonomy, rule of law and rule of virtue

The rule of law rural construction is a rural governance system activity that gradually improves the combination of autonomy, rule of law and rule of virtue. It is embodied in four aspects: first, the basic way is the organic unity and mutual integration of villagers' autonomy, governance by law, and governance by virtue; Second, the foundation is autonomy, fully mobilize the enthusiasm of the villagers' autonomy subject, constantly cultivate the villagers' autonomy ability, and implement autonomy within the legal scope according to the autonomy articles; Third, the fundamental guarantee is the rule of law. We should focus on promoting rural governance in accordance with the law, educate and guide cadres and masses to form the thinking and consciousness of doing things in accordance with the law, finding ways to solve problems, and resolving conflicts by relying on the law, so as to bring rural governance into the track of rule of law; Fourth, the basic orientation is to rule by virtue, adhere to the core socialist values as the guide, promote the fine traditional virtues of the Chinese nation, give play to the role of village rules and customs, cultivate personal virtue, form family virtue, purify social ethos, promote social harmony, and maximize social ethics by promoting good and suppressing evil, cultivating benevolence and self-discipline.^[2]

1.3. The construction of the countryside under the rule of law is a process of self reform and self-improvement in the construction of socialist grass-roots democracy and the rule of law and the construction of a new socialist countryside, guided by the socialist core values

Since the founding of the People's Republic of China, after more than 70 years of practical exploration, China has formed a relatively mature model of rural democratic rule of law construction that meets the characteristics and basic requirements of socialism with Chinese characteristics. According to the relevant provisions of the 1982 Constitution, the villagers' committee, as a grass-roots mass autonomous organization, began to practice, explore and innovate. In accordance with the Law of the People's Republic of China on the Self Government of Villagers' Committees, villagers have carried out self-management, self-education, self service and self-improvement, basically realizing the advantages of the grass-roots democratic system of doing their own things, safeguarding their own rights and interests, fulfilling their own responsibilities, and giving full play to collective wisdom to run everyone's affairs well. The village party branch, as a grass-roots party organization, and the village committee, as an autonomous organization, are mainly responsible for the public affairs and public affairs of the village and safeguard the public rights and interests of villagers; Villagers enjoy the right to democratic decision-making and participation in accordance with the law, and consciously fulfill their obligations; The villagers' groups focus on strengthening the supervision of village affairs and formulating village rules and regulations. Rural governance in China has basically formed a grass-roots governance pattern featuring democratic election, democratic decision-making, democratic management and democratic supervision, which is characterized by pluralistic co governance and democratic rule of law; It has entered the path of innovative rural governance, ensuring the people's livelihood in rural areas, promoting agricultural development, improving farmers' income, and constantly improving the democratic rule of law.

The construction of the countryside under the rule of law is a process of self reform and self-improvement in the construction of democracy and the rule of law at the basic level of socialism and the construction of a new socialist countryside. From the basic content, the construction of the rule of law countryside has experienced the theme change of rural economic society from traditional governance to modern governance. Before the 18th National Congress of the Communist Party of China, the construction of the rule of law in China's rural areas mainly focused on how to solve the problems of large agricultural countries, rural backwardness, and farmers' poverty, and explored ways to promote and enhance the institutionalization and legalization of grass-roots democracy through democratic elections, democratic decision-making, democratic management, and democratic supervision of rural autonomy; Since the 18th National Congress of the Communist Party of China, the construction of the rule of law in China's rural areas has mainly focused on the implementation of the comprehensive rule of law strategy and the rural revitalization strategy to achieve strong agriculture, rural beauty, and farmers' wealth. It has explored the transformation of a modern new rural governance system that integrates new industries, new formats, new models, information, intelligent, grid management, and effective "three governance". In terms of basic forms, the construction of the rule of law countryside has gone through the development process from villagers' autonomy to autonomy according to law, and then to the effective integration of "three governance". At the beginning of the reform and opening up, in accordance with the 1982 Constitution, villagers' autonomy has been piloted in rural areas since 1986. During this period, village

governance mainly focused on villagers' autonomy; After the rule of law was written into the Constitution in 1999 as the basic strategy of governing the country, the rural governance model has formed a construction model focusing on the combination of autonomy and rule of law; Since the 18th National Congress of the Communist Party of China, rural governance has formed a construction mode focusing on the organic combination and effective integration of "three governance".

2. The characteristics of the construction of countryside ruled by law

2.1. The rule of law rural construction takes the rural grass-roots autonomous community and its members as the main body

The rule of law rural construction takes the rural grass-roots autonomous community and its members as the main body. This is not only one of the main features of the construction of a rule of law countryside that distinguishes it from the construction of a rule of law country, a rule of law government and a rule of law society, but also a symbol of the construction of a rule of law countryside that distinguishes it from other groups and autonomous organizations. The main body of the construction of a country ruled by law is the ruling party, whose core is to govern by law; The main body of building a rule of law government is mainly governments at all levels and their staff, and its core is to administer according to law; The main body of the construction of a rule of law society is a natural person, a legal person, an unincorporated organization, etc. Its core is universal equality and law-abiding. But the main body of the rule of law rural construction is the autonomous community and its members.

2.2. The basic governance model of rule of law rural construction is "combination of three governance" or "integration of three governance"

The characteristics of the rule of law rural construction or governance model are autonomy, rule of law and rule of virtue "three governance combination" or "three governance integration". In the rural governance system, villagers' autonomy is not only the way to realize democratic politics with Chinese characteristics in the field of rural governance, but also the basic governance way of the rule of law rural construction. To sum up, autonomy refers to the activities of self-management, self-service, self-education, self-improvement of the autonomous subject, and the maintenance of self rights and social public welfare through self practice. The rule of law is not only the fundamental guarantee for the construction of the rule of law countryside, but also the basic basis for the rural governance system. The rule of law is a governance way for autonomous organizations and autonomous subjects to handle rural affairs and resolve rural disputes according to law on the basis of upholding and maintaining the supremacy of law. Rule of virtue is a way for autonomous organizations and autonomous subjects to promote the fine traditional virtues of the Chinese nation under the guidance of socialist core values, give full play to the exemplary role of moral models, and maximize social morality and promote individual, family and social harmony through promoting good and suppressing evil, educating people with virtue and self-discipline in rural governance. To achieve the "integration of three governance", we can gather strength, rally people, create a situation of co construction, co governance and sharing, maximize the vitality of grass-roots development, fit the objective reality of China's rural construction and governance, build a modern rural governance system, and provide institutional basis and important guarantee for rural revitalization.

2.3. The construction of rural areas under the rule of law takes the construction of rural democracy and the rule of law as the basic content

The content characteristic of the construction of the countryside ruled by law is based on the construction of rural democracy and rule of law. As far as the construction content is concerned, the rule of law rural construction includes socialist morality, law, democracy and many other contents. However, the basic content of the construction of the rule of law countryside is not the macro moral construction, nor the middle level rule of law construction, but the grass-roots democratic rule of law construction. Specifically, it focuses on the democratic rights and interests of the rule of law involved in grass-roots autonomy, with democratic election, democratic decision-making, democratic management and democratic supervision as the core content. It can also be seen from the national indicator system of rule of law rural construction that the core and score weight of the five first level indicator systems are in two important indicators, namely, "democracy at the grassroots level is standardized and orderly" and "rule of law construction is steadily promoted".^[3]

3. The Legal Predicament of Rural Governance in the New Era

3.1. The relationship between the subjects of rural governance by law is not smooth

"Under the mechanism of protecting private property system and encouraging market competition, people's pursuit of self-interest constitutes the basic motivation of social action." Driven by the interests, the owners of rural governance experience a competitive game situation. This kind of game is mainly manifested between the township government and the villagers' committee, the village party branch and the villagers' committee, as well as between the village "two committees" and social organizations. The first is the game between the township government and the villagers' committee. According to the provisions of the Organic Law of Villagers' Committees, the relationship between the township government and the villagers' committee belongs to guidance and cooperation, and there is no relationship between the leader and the led. The township government can guide and help rural governance matters, but cannot interfere with its autonomy. However, there is a lack of detailed regulations on how to guide and assist, which leads some township governments to interfere with villagers' autonomy by means of administrative orders and other mandatory means. In the long run, this has led to the villagers' committee's resistance to the management of the township government. The second is the game between the village party branch and the villagers' committee. The village party branch is the basic organization of the party in the village, which plays a leading role in the village committee, but cannot take charge of the work of replacing the village committee. The village party branch and the village committee should have clear responsibilities and perform their own duties. However, in some places, the division of specific responsibilities between the two has been ignored, which leads to the blurring of their responsibilities and affects the work. This situation is not only unfavorable to the construction of the rural autonomy pattern, but also easy to damage the legitimate rights and interests of villagers. The last is the game between the village "two committees" and social organizations. The original intention of social organizations such as rural community service centers and community service stations is to make up for the lack of strength of the village "two committees" in meeting the needs of villagers, assist the village "two committees" in providing personalized services for villagers, and improve the rural autonomous management model. However, the relevant legal requirements do not clearly stipulate the power and responsibility of rural social organizations to participate in rural governance, and even individual rural social organizations have become affiliated organizations of the "two committees" of the village, resulting in their functions being damaged and unable to play their due role effectively.

3.2. Inadequate use of the endogenous culture of rule of law in rural governance

Culture is an important means to change farmers' thinking concept. A good cultural environment of rule of law can influence people's life concept and behavior habits imperceptibly. For a long time, China has been paying attention to the publicity of law popularization in rural areas and trying to optimize the legal environment of rural governance. However, due to specific cultural factors and geographical relationships, the cultural atmosphere of rule of law in rural areas has not been formed. On the one hand, the reason lies in the government's lack of understanding of the law popularization work, its single way and its separation from the rural reality; On the other hand, it is unable to effectively use the endogenous culture of rule of law in rural areas. However, the insufficient use of the endogenous culture of rule of law in rural areas is mainly reflected in two aspects: on the one hand, the construction of village rules and regulations is not perfect. Village rules and regulations are standardized agreements formed by villagers in long-term rural governance practice for self-management. With the advancement of urbanization, although the government has made efforts to build village rules and regulations, there are still many problems. First of all, the content is divorced from reality, unconnected, complicated and mostly in the form of official documents, far from the villagers' idioms, and difficult to be accepted by the villagers; Secondly, the formulation process is not standardized, and there is a phenomenon of perfunctory passing, or even directly adhere to legal norms, not following the normal process to listen to villagers' opinions, which deviates from villagers' needs; Finally, the implementation was not in place. Most of the village rules and regulations were put on the shelf after they were formulated, which became a dead letter and did not play their due role. On the other hand, it is insufficient to excavate the governance value of the local sages. First, the participation mechanism is not perfect, and there is a lack of policies and organizational platforms that are attractive enough, leading to the unwillingness of successful people to return home and serious brain drain; The second is the lack of understanding of the value of the local culture, ignoring the educational role of the local culture and its complementary role in rural governance. These problems seriously hinder the process of rule of law in rural governance.

3.3 Lack of legal services in rural governance

The rural legal service system is an important basis for practicing the rural legal thinking. The convenient access of villagers to high-quality legal services is an important link for villagers to respect, abide by, learn and use the law, as well as an important part of rural governance by law. At present, on the one hand, although China continues to increase the support for rural legal services, there are still problems such as too high a threshold for providing services and a single form, which affect the process of rural governance by law. On the other hand, due to the poor working conditions in rural areas, legal service personnel are reluctant to work in grassroots rural areas. In order to attract talents, service institutions must focus on high salaries and other benefits, and the pressure of high salaries must be imposed on farmers, which leads to the increasingly high cost of legal services for farmers. Villagers can hardly afford legal services and refuse legal aid. In addition, legal services in rural areas mainly provide legal proceedings in a single form. However, the villagers rarely use legal proceedings to safeguard their rights and interests in their daily life. In addition to the high cost, the lack of legal knowledge of the villagers themselves is also one of the important reasons, which further highlights the lack of legal services and the narrow way for villagers to obtain legal knowledge and legal aid. [4]The lack of legal services in rural areas and the villagers' lack of trust in the law make it difficult to improve their awareness of the rule of law, and the governance of the rule of law in rural areas is difficult.

4. The Rule of Law Approach to Rural Governance in the New Era

4.1 Rationalize the relationship between multiple subjects in rural governance and promote collaborative governance

At present, the cooperative co governance of multiple subjects is the main form of rural governance, but in the process of co governance, conflicts of interest are inevitable. Therefore, to promote rural governance by law, it is necessary to reduce the conflict of interests of multiple subjects, coordinate the relationship between multiple governance subjects, clearly define the scope of powers and responsibilities of multiple subjects, guide the benign interaction of multiple governance subjects, and jointly promote the construction of rural governance by law. First, we should improve the legal norms of rural governance. Law is the basis of rural governance, and improving legal norms is an important guarantee to promote rural governance. On the one hand, laws should be used to clarify the relationship between the township government, the village party branch and the villagers' committee, and the relationship between the leader and the led, the guide and the guided, and define the scope of rights and responsibilities, so as to provide a legal basis for the coordinated governance of the three; On the other hand, we should use law to define the scope of responsibilities and status of rural social organizations, distinguish their relationship with the government, and play a complementary role in the rural rule of law. Secondly, we should strengthen rule governance and clarify government functions. We should promote a limited government, "lock the power in the cage of the system", and give play to the function of rural autonomy. On the one hand, it is necessary to define the power of the township government, formulate a list of powers, and specify the performance of the staff in the form of a list; On the other hand, villagers' supervision should be strengthened to avoid excessive government interference in villagers' autonomy through villagers' supervision of government performance. Thirdly, we should strengthen the leadership of the Party and improve the governance and leadership of rural Party organizations. On the one hand, we should build the rural party branch into a strong leading organization that publicizes major policies and guides villagers' thoughts, and strengthen its leadership position and propaganda ability; On the other hand, it is necessary to strengthen the service function of the rural party branch. As the basic organization of the party in the countryside, the rural party branch should always uphold the purpose of serving the people, strengthen its own service function and improve its service ability. In addition, we should strengthen the leading core position of rural Party branches in the countryside, comprehensively coordinate the relationship between various governance subjects, and ensure the effective promotion of the rule of law in rural governance. Finally, we should improve the construction of rural social organizations. Rural social organizations are an important force to fill the gap in rural governance, providing villagers with more accurate services in rural governance. On the one hand, we should optimize the development environment of social organizations. The government should formulate incentive policies and rules and regulations to ensure their good development and stimulate their internal vitality. At the same time, we should clarify their status, responsibilities, forms and ways of participating in governance, and standardize their operation; On the other hand, we should strengthen the self construction of the organization, improve internal management, improve the legal literacy of the

organization personnel, and strengthen its organizational and systematic construction. Multi governance is an effective organizational form of rural revitalization, and straightening out the relationship between multi governance subjects is the premise and foundation of multi governance. In recent years, with the promotion of the rural revitalization strategy, a large number of demonstration villages and towns have emerged, such as Yu Village, Anji County, Zhejiang Province, the birthplace of the "Two Mountains Concept". Under the leadership of the village party branch, the village has continuously strengthened democratic management, implemented decentralization, and truly achieved "everyone participates in everything, everyone discusses everything". With the joint participation of multiple governance subjects, the transformation from "selling stones" to "selling landscapes" has been achieved; Hao tang Village, Xinyang City, Henan Province, has made full use of the fund operation mode of "built-in finance" to give full play to the supplementary support role of social organizations; Jiang you City, Sichuan Province, promotes the combination of "prescribed institutions autonomous institutions" in the villages and towns, formulates the "1+3" guidance list for decentralization, and clarifies the responsibilities and power responsibility boundaries of each subject, ultimately achieving the effect of "1+1>2".

4.2 Fully tap the endogenous cultural resources in rural areas and optimize the legal environment

China's rural areas are vast, with different villages and customs, different local knowledge, and obvious differences. This requires that in the practice of the rule of law in rural areas, we must adjust measures to local conditions, proceed from our own reality, and deeply tap and utilize local cultural resources to make up for the lack and deficiency of rural rule of law governance at the micro level and improve governance efficiency. First of all, we should attach importance to the village rules and regulations, and play its complementary role in the rural rule of law. Compared with the traditional villager autonomy, which aims to maintain feudal rule, the modern villager autonomy aims to stimulate the vitality of villagers and activate the rural economy. In essence, it is the embodiment of the direct democratic system in the countryside [4]. The rural areas are far away from the political center of the city, and the sense of ownership is relatively weak, which leads to the low level of villagers' participation in rural governance and affects the process of rule of law. The village rules and regulations are the norms established by villagers themselves, which just make up for the shortcomings of villagers' participation in the rural rule of law. This requires the government to pay attention to the village rules and regulations, deeply tap their intrinsic value, and stimulate their positive role in the rural rule of law. On the one hand, we should improve the construction of village rules and regulations. The government should actively guide the villagers to improve and perfect the village rules and regulations, and deeply integrate the socialist core values with the village rules and regulations. On the other hand, we should strengthen the supervision of village rules and regulations. The first is to supervise the formulation and improvement of village rules and regulations, ensure that village rules and regulations protect the legitimate rights and interests of villagers, and meet the requirements of new era construction. For example, when facing the villagers' opposition to laying pipelines on their own fields to treat sewage, the village cadres of Pu shan Village, Qu zhou City, Zhejiang Province, successfully persuaded the villagers by taking out the village rules and regulations jointly formulated by the villagers, which not only played the role of persuasion of the village rules and regulations, but also guaranteed the legitimate rights and interests of the villagers to enjoy the beautiful environment. The second is to supervise the implementation of the village rules and regulations, ensure that the village rules and regulations can be effectively implemented based on the interests of the people, and promote the construction of the rule of law in rural areas. For example, Shang yang Village, Qu zhou City, Zhejiang Province, recruited supervisors and volunteers to form a supervision team to jointly supervise the use of public chopsticks when implementing the Village Rules and Regulations on Public Chopsticks and Public Chopsticks, ensuring that the village rules and regulations can be truly implemented. Secondly, we should tap the value of local governance. As the intersection of traditional top-down government governance and bottom-up villagers' autonomy, the local sages and their culture play an active role in the rural rule of law. In the process of implementing the rule of law in rural areas, it is inevitable to touch the interests of the villagers and cause conflicts and disputes. As the respected predecessors, the villagers are often more effective than the government in resolving these disputes. The traditional local sages culture takes the Confucian orthodoxy as the basic values, while the new era's local sages culture takes the socialist core values as the basic guidance. As the crystallization of the local sages to educate the villagers, feed back the mulberry and the grass, the local sages culture plays an important role in spreading the spirit of the rule of law and condensing the villagers' thoughts. To strengthen the governance of local people and build a new culture of local people, the government should, on the one hand, correctly understand the important position of local people, grasp their role in resolving villagers' disputes and maintaining rural harmony, and attract new local people with active policies and platforms. For example, Jiao jiang District, Taizhou City, Zhejiang Province has

set up a "local people mediation room" in rural areas, and strictly select people who are aware, prestigious, capable, enthusiastic. The energetic mediators of the villagers have given full play to the mediation role of the villagers in rural governance and effectively reduced the litigation cases of villagers' disputes; On the other hand, we should explore the integration path of socialist core values and local culture, improve the inheritance mechanism of local culture, deeply tap the elements of rule of law in local culture, and use the new local culture to promote rural governance by law.^[5]

4.3. Improve the legal service system of rural governance and improve service quality

Legal public service is an important part of the construction of the rule of law in rural areas. With the promotion of rural revitalization, rural economic and social transformation has brought a series of new problems and contradictions, and the demand for rule of law services in rural governance is growing. Legal services must constantly improve their own construction, keep pace with the times, meet the needs of rural rule of law, and provide high-quality and efficient legal services to villagers, so as to effectively strengthen the rule of law in rural areas and boost rural revitalization and development. First of all, we should improve the setting of rural legal service institutions and improve the service level. The differences between urban and rural conditions lead to fewer legal service institutions in rural areas, even most of them are intermediary institutions, which do not have the capacity to provide legal services, which seriously hampers the rule of law governance in rural areas. Therefore, the government should attract high-level legal service institutions to settle in the countryside through policy support, increase welfare and other ways, and improve the internal settings of institutions according to local conditions to meet the needs of rural urbanization transformation. Secondly, we should increase financial support and introduce high-level talents. The poor development of legal services in rural areas is rooted in the backward economic conditions. Therefore, the government must increase financial support to ensure the smooth operation of legal service institutions and the working treatment of legal service personnel with policies. Good rule of law construction cannot be separated from the guarantee of talents. High level legal talents are the basis for carrying out legal services. The government must formulate a talent introduction policy to provide a continuous supply of talents for rural legal services, so as to promote the construction of rural rule of law. Finally, we should deepen the sinking of rule of law services. The difficulties faced by rural areas are different due to their different development processes. Therefore, we must increase the sinking of legal services to make them conform to the reality of each village, meet the villagers' needs for the rule of law through diversified forms of legal services, take diversified means to improve the villagers' awareness of the rule of law, let the villagers trust the law, so as to consciously respect, abide by and use the law, and then promote the construction of the rule of law in rural governance.

References

- [1] Yang Xiaoyan. (2022) *Gansu Agriculture—Sustaining the Overall Revitalization of Rural Areas in the New Era with the Rule of Law*, 9, 27-30.
- [2] Zhao Yanping. (2022) *Journal of Shandong University of Agricultural Engineering—Analysis on the current predicament and development path of the legalization of rural governance under the new situation*, 9, 7-12.
- [3] Xu Huiming. (2022) *Agricultural Economics—Research on the Legal Guarantee of Rural Social Governance Innovation in the New Era*, 9, 61-62.
- [4] Zhang Wei. (2022) *Rural Economy and Science and Technology—Cultivating Rural Law Ruling Talents and Helping Rural Rejuvenation by Law*, 17, 176-179.
- [5] Shi Fenglin, Zhang Zhiyuan. (2022) *San jin. Grassroots Governance—The connotation, characteristics and value of the rule of law rural construction*, 4, 47-52.