

Analysis on the Legalization of China's Rural Social Governance in the New Era

Hao Chen

*Northwest University of Political Science and Law, Xi 'an, China
chenhaochenhao411@hotmail.com*

Abstract: *With the rapid development of China's economy and the widening gap between urban and rural areas, issues concerning rural social governance have become increasingly prominent. In order to address this problem, the legalization of rural governance has become a hot topic in current Chinese social science research. This paper elucidates the core concepts of rural governance and legalization, analyzes the challenges faced by the legalization of rural governance in China in the new era, and proposes optimization pathways, including the improvement of the legal regulatory system, clarification of organizational power boundaries, and innovation of popular legal education mechanisms and approaches. The implementation of these pathways will contribute to advancing the legalization process of grassroots rural social governance and enhancing the level of rural social development.*

Keywords: *rural governance, grassroots society, legalization of governance, optimization pathways*

1. Introduction

The governance of rural grassroots society has always been an important topic in Chinese social science research. The legalization of rural grassroots social governance is not only an important approach to rural governance but also a crucial guarantee for promoting rural social development and protecting the rights and interests of farmers in China. Rural grassroots social governance essentially extends the governance at the national level to the grassroots level. China has consistently maintained the overall governance concept of "avoiding litigation, reducing litigation, and restraining litigation" in the context of rural grassroots social governance. However, there are still challenges and difficulties in achieving the legalization of rural governance in China in the new era. This paper aims to analyze the challenges faced by the legalization of rural governance in China in the new era and propose corresponding optimization pathways, in order to provide reference for the research and practice of legalizing grassroots rural social governance.

2. Core Concepts of Rural Grassroots Social Governance

2.1. Rural Governance

Rural governance refers to a social management model implemented in rural areas with the aim of resolving social conflicts and promoting the stability and development of rural society through various organizations, institutions, and policy measures. In rural governance, the government, social organizations, and farmers are the main governance subjects. The government plays a role in policy-making, resource allocation, and supervisory management in rural governance. Social organizations, including rural enterprises, farmers' cooperatives, and village committees, play important roles in organizing and providing services in rural governance. Farmers, as the main body of grassroots society, participate in the decision-making and implementation processes of rural governance through means such as self-governance, participation, and supervision.^[1]

2.2. Legalization of Rural

Governance The legalization of rural governance entails promoting rural social governance through the application of legal thinking and legal methods. This means that at the rural level, governments at all levels, social organizations, and farmers must act in accordance with the law, manage and resolve

social issues in a legal manner, ensure the protection of farmers' legitimate rights and interests, and promote the stability and development of rural society.

Firstly, the legalization of rural governance requires decision-making and management in accordance with the law. When formulating rural development plans, policies, and measures, the government should adhere to the provisions of laws and regulations, ensuring the legality and scientific nature of decision-making. Government departments should also engage in administration in accordance with the law, strictly abide by laws and regulations, and refrain from abusing their powers or violating legal provisions. This ensures that government decisions and actions are fair, transparent, and enhances farmers' trust and reliance on the government.^[2]

Secondly, the legalization of rural governance necessitates the establishment of a sound legal system and regulatory framework. Rural areas should strengthen legal construction, formulate and improve relevant laws and regulations, clarify the rights and responsibilities of various entities, and provide legal foundations and safeguards. Additionally, efforts should be made to enhance legal awareness and legal literacy among farmers through legal promotion and public legal education, enabling them to protect their own rights and participate in the decision-making and implementation processes of rural governance in accordance with the law.

Furthermore, the legalization of rural governance requires the establishment of effective monitoring and dispute resolution mechanisms. Governments and social organizations should establish robust monitoring mechanisms to strengthen oversight and evaluation of rural governance, ensuring fairness and standardization in the governance process. Additionally, efficient and expedient dispute resolution mechanisms should be established to promptly address and resolve conflicts and disputes in rural society, preventing the escalation of conflicts and social instability.

The implementation of the legalization of rural governance requires collaborative efforts from the government, social organizations, and farmers. The government should strengthen organizational leadership and policy support for the legalization of rural governance, providing legal safeguards and services. Social organizations should actively participate in rural governance, leveraging their strengths to promote legal awareness and the dissemination of a culture of the rule of law. Farmers, as the main participants in rural governance, should enhance their legal consciousness, act in accordance with the law, and actively engage in decision-making and management processes.

3. Challenges in the Legalization of China's Rural Governance in the New Era

3.1. Systemic Issues in the Legalization of Rural

Governance In the process of legalizing rural governance, there exist systemic issues regarding rural laws and regulations. Currently, relevant laws and regulations concerning rural governance in China are relatively scattered and lack systematic and comprehensive organization. This leads to differences in the application standards and enforcement methods of laws and regulations among different regions and departments, affecting the consistency and effectiveness of legal governance.^[3]

For example, in land resource management, various types of land rights such as land contracting and management rights, rural residential land rights, and collective economic organization rights coexist in rural areas. However, there is a lack of unified norms for the legal application of different types of land rights, resulting in confusion and contradictions in practical operations. Some regions impose restrictions on the transfer of land contracting and management rights, hindering the freedom and standardization of land transfer for farmers. This indicates that there are systemic issues in the legal governance of land resource management in rural areas, necessitating further improvement of relevant laws and regulations to enhance the overall integrity and adaptability of the legal system.

3.2. Blurring of Responsibilities between Grassroots Government and Autonomous

Organizations In rural governance, there is an issue of blurred delineation of responsibilities and functions between grassroots government and rural autonomous organizations. Grassroots government in rural areas usually possess administrative powers and decision-making authority, while rural autonomous organizations also bear certain management responsibilities. However, due to unclear delineation of powers and responsibilities, there is ambiguity in the roles of grassroots government and autonomous organizations, leading to unclear responsibilities and uncertain accountabilities in rural governance.

For example, in rural community construction, there is a lack of clarity in the division of responsibilities between grassroots government and village committees. Some grassroots governments excessively interfere in rural community affairs, limiting the autonomy and self-management capabilities of village committees. This blurring of responsibilities results in an overly centralized power of grassroots government, weakening the autonomy rights of farmers.

3.3. Weak Foundation for the Legalization of Rural

Governance The foundation for the legalization of rural governance is relatively weak, primarily manifested in the lack of legal awareness and legal culture. Residents in rural areas have relatively low legal consciousness and insufficient understanding and application of laws and regulations. This situation poses difficulties for rural residents in safeguarding their rights and participating in the process of rural governance, leading to inadequate protection of their interests.

For example, in the context of rural land contracting and management rights transfer, farmers have limited knowledge about the legal procedures and safeguards concerning land transfer, resulting in some farmers experiencing unfair treatment in the land transfer process. Enhancing understanding of legal knowledge and improving legal literacy among rural residents are crucial foundations for the legalization of rural governance.

In summary, challenges exist in the systemic issues, blurred responsibilities, and weak foundation of the legalization of rural governance in China. Addressing these challenges requires further improvement in the system construction of rural governance, clarification of power and responsibility boundaries, and strengthening legal education and popularization among rural residents. Only through the guidance of legal thinking and legal methods can the legalization process of rural governance be effectively promoted, thus achieving stability and development in rural society.

4. The optimization path to the Legalization of China's Rural Social Governance in the new era

4.1. Enhancing the Legal Normative System of Rural Governance

Improving the legal normative system of rural governance is crucial in advancing the legalization of rural governance. Valuable lessons can be learned from foreign experiences. For instance, Germany's "Rural Basic Law" and Japan's "Rural Law" provide clear legal foundations and guidance for rural governance. These laws specify the responsibilities and power scopes of rural autonomous organizations, ensuring the legitimate rights and interests of rural communities. The practical effectiveness of any law in any era largely depends on its convenience as understood by the people of that time. We can learn from these experiences to establish a sound legal framework, ensuring a more scientific and standardized path for the legalization of rural governance.^[4]

In the context of China, improving the legal normative system of rural governance should consider the following aspects. Firstly, establishing a sound legal system, including national laws, departmental regulations, and local regulations, to meet the multi-level and diversified needs of rural governance. Secondly, strengthening the legal construction related to rural development, such as land use laws and laws concerning rural collective economic organizations, to ensure the legality and sustainability of rural development. Additionally, emphasis should be placed on the fairness and transparency of law enforcement, establishing robust supervision mechanisms and legal accountability systems to uphold the rule of law in rural governance.

4.2. Clarifying the Power Boundaries of Various Rural Social

Organizations Drawing on foreign experiences can help us better define the responsibilities and power scopes of different organizations within rural society. For example, countries like Canada and Australia emphasize grassroots autonomy and democratic participation, clearly defining the power boundaries between the government and autonomous organizations, promoting self-management and development in rural communities. We can learn from their principles of decentralization and decision-making mechanisms, tailor them to China's national conditions and rural characteristics, and formulate power boundary models suitable for rural governance in our country.

In practice, we can clarify the power boundaries of various rural social organizations through several aspects. Firstly, establishing a legal framework that clearly defines the responsibilities and

authorities of the government and autonomous organizations, avoiding confusion of powers and overlapping responsibilities. This can be achieved through the formulation and improvement of relevant laws and regulations, ensuring reasonable power distribution and clear responsibilities among organizations, thereby enhancing the level of legal governance in rural areas.

Secondly, strengthening top-level design and planning to ensure coordination and cooperation between different levels of government and autonomous organizations, forming effective mechanisms for division of labor and collaboration. By developing clear guidelines and standards, the roles of various organizations in rural governance can be ensured, avoiding overlapping and conflicting responsibilities, and achieving coordinated progress in the legalization of rural governance.

Moreover, enhancing the training of rural cadres and community members is crucial. Through strengthened training, their understanding of and compliance with power boundaries can be improved, preventing the abuse of power and occurrences of corruption. Training should cover legal knowledge, division of responsibilities, and limitations of power, aiming to enhance the legal awareness and literacy of rural cadres and community members, thus ensuring the legitimate exercise of power and effective supervision.

By drawing on foreign experiences and combining them with China's national conditions and rural characteristics, we can clarify the power boundaries of various rural social organizations. This will contribute to the promotion of the rule of law in rural governance, fostering the development and progress of rural communities, and achieving the goals of rural revitalization. Establishing a legal framework, strengthening top-level design and planning, and enhancing training are specific paths and strategies to promote the legalization of rural governance, providing clearer and more effective guidance for rural governance.

4.3. Innovating Mechanisms and Approaches for Legal Education in Rural Communities

In the field of legal education in rural communities, innovation in mechanisms and approaches is crucial to enhance the level of legal governance. Drawing on foreign experiences can help us improve legal education in rural communities. For example, Switzerland has established rural legal education centers to provide legal knowledge and consulting services to rural residents, raising their legal awareness and literacy. We can learn from their experience and establish similar legal education institutions to provide legal education and consulting services, promoting legal literacy in rural communities.

In practice, we should focus on several aspects. Firstly, strengthening legal education and outreach in rural communities through various media and channels, disseminating legal knowledge and raising the legal awareness of rural residents. Secondly, cultivating the legal literacy and self-protective consciousness of rural residents by conducting legal training and educational activities, enhancing their legal capabilities. Furthermore, comprehensive use of social governance tools and introducing semi-official governance mechanisms involving social mediation forces can be employed to handle conflicts within rural areas. By strengthening grassroots legal services to address practical issues, conducting specific case analyses and legal consultations, rural residents can receive assistance in solving legal problems, thereby enhancing their trust in the law.^[5]

In conclusion, promoting the legalization of rural governance is an important task in China's current social development. By drawing on foreign experiences and implementing corresponding measures and strategies, such as improving the legal normative system of rural governance, clarifying the power boundaries of various rural social organizations, and innovating mechanisms and approaches for legal education in rural communities, we can optimize the path to the legalization of rural governance. This will promote the development and progress of rural communities, ultimately contributing to the revitalization of rural areas. Establishing a legal framework, strengthening top-level design and planning, enhancing training, and innovating legal education mechanisms and approaches are specific paths and strategies to promote the legalization of rural governance, providing clearer and more effective guidance for rural governance.

5. Conclusions

The legalization of rural governance is a crucial path to promote the development of rural areas in China. This article has conducted an in-depth analysis of the challenges faced in the legalization of rural governance and drawn on foreign experiences to propose an optimized path involving the

improvement of the legal normative system, clarification of power boundaries, and innovation in mechanisms and approaches for legal education. Through these measures, the level of legal governance in rural areas can be enhanced, fostering the development and progress of rural communities and ultimately achieving the goal of rural revitalization. It is essential to further strengthen reform efforts, promote the collective participation of government, social organizations, and rural residents, and jointly strive for the legalization of rural governance, making contributions to the construction of prosperous, beautiful, and happy rural areas in the new era.

References

- [1] Qin Zhongchun, Li Qing. (2021). *The policy evolution and future direction of rural governance in China. Journal of Chongqing University of Technology (Social Sciences)*, (10), 1-8.
- [2] Wang Shuqiong. (2021). *The logical route, main obstacles, and innovative paths of legalizing rural governance. Agricultural Economics*, (10), 46-47.
- [3] Meng Li. (2019). *The realistic dilemma and path of legalizing rural governance. Leadership Science*, (24), 108-110.
- [4] Xu Xiaohan. (2023). *Analysis of the path of legalizing rural governance. Contemporary Rural Economy and Finance*, (02), 34-38.
- [5] Hu Xiaowei, Ma Xingrong. (2023). *The dilemma, attribution, and countermeasures of legalizing rural governance in China: Perspective from conflict analysis. Journal of Liaocheng University (Social Sciences Edition)*, (03), 66-72.