

Legal Reflections on the Guarantee of Farmers' Retirement Rights in the New Era

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Abstract: After more than 70 years of development, China has entered the track of industrialization, urbanization and modernization, and in the new era, solving the "three rural issues" has become the top priority of the whole country. As citizens, farmers should enjoy all the rights due to citizens. Guaranteeing the right of peasants to retire so that they can equally enjoy such social and economic rights as the right to work, the right to rest for workers, the right to livelihood security for retirees, and the right to social security and material assistance from the State and society in the event of old age, illness, disability or loss of the ability to work, is a reward for the historical contributions of peasants, and is deserving of recognition and respect by the State and society.

Keywords: Peasants' rights; Retirement Rights; Legal Safeguards

Peasants have been instrumental in the prosperity of the country. In the new China's journey from backwardness to modernization, farmers have made a historic contribution that no one can erase or replace. With less than 9 per cent of the world's arable land, Chinese peasants have not only produced 25 per cent of the world's food and fed 20 per cent of the world's population, they have also laid a solid foundation for China's industrialization, urbanization and modernization. The significant contribution of farmers to the new China is unparalleled and indelible, and at no time should agriculture, the countryside or farmers be neglected or forgotten.

1. Analysis of the need to guarantee the right of peasants to retirement

Since the founding of New China, it is precisely because of the dedication and devotion of farmers that our country has weathered one difficult hurdle after another and thus become increasingly prosperous and strong, and farmers have made irreplaceable and historic contributions to the State and society.

1.1. Empowering peasants to retire is a historical responsibility

Turning in public grain to ensure national food security and national construction. After the founding of New China, peasants were given land, but after the agrarian reform, the land became collectively owned. Due to the shortage of food in the early years of the founding of the country, in order to solve the problem of food shortages, the state began to implement the agricultural tax in 1950, the policy of unified purchase and marketing of grain was implemented in 1953, and the Regulations on Agricultural Tax were formulated in 1958. The grain harvested from farmers' hard work was to be paid to the state every year without compensation according to the prescribed standards and a certain percentage. Under the household contract responsibility system, farmers could only pay enough to the state and keep enough to the collective, and the rest was their own, until 2006, when the State repealed the "Regulations on Agricultural Taxes" and canceled the agricultural tax throughout the country. In the 57 years from 1950 to 2006, when peasants paid grain to the State without compensation, they contributed more than 1.2 trillion yuan to the State, while at the same time repairing roads, railroads, reservoirs and dams, digging fishponds and reclaiming barren mountains into fertile land free of charge, thus providing an important material safeguard for the State's food supply, industrial production and modernization[1-2].

Rapid industrial development through the use of agriculture to support industry. At the early stage of the founding of New China, when all kinds of wastes and industries were waiting to be developed, agricultural output value accounted for 87% of the total social output value, and the country did not have any industrial base; in order to develop industry, the policy of supporting industry with agriculture was implemented, and various kinds of agricultural products were exchanged for industrial equipment, which

enabled China to rapidly establish an industrial system with a full range of disciplines, especially in the period of 1953-1992, when the country implemented a unified purchasing and marketing system for agricultural products. In particular, during the period 1953-1992, the State implemented a system of centralized purchasing and marketing of agricultural products, and drew a large amount of agricultural surplus for industrial development by means of an implicit tax on the "scissors difference" between the prices of industrial and agricultural products.

Ease the pressure on cities and take on the livelihood of nearly 20 million intellectual youth. In the early years of New China, when the industrial base was backward and the number of people employed in cities was limited, a large amount of surplus labor was generated. From the 1950s to the 1970s, nearly 20 million young intellectuals went to the countryside in the countryside, and the rural areas took in these surplus laborers. During the most difficult period of urban population growth, it was the farmers who relieved the pressure on the cities and warmly received and nurtured tens of thousands of unemployed youth in the cities[3-4].

1.2. Guaranteeing the right to retirement of peasants is an objective requirement for building a moderately prosperous society in an all-round way.

Improving the rural social security and assistance system and guaranteeing farmers' right to retirement, in particular by establishing and improving a permanent social security mechanism for low-income rural populations and less developed areas, so that farmers, especially those in less developed areas, can have stable livelihood security, is an important guarantee for consolidating and expanding the achievements of poverty eradication. Guaranteeing the right of farmers to retire is an important safeguard for the realization of universal social security coverage and access to basic medical and health services for all, and is an important manifestation of the establishment of a moderately prosperous society in all respects, as well as an objective requirement for ensuring that a moderately prosperous society in all respects is successfully promoted to a higher level, at a higher level, and with a higher quality.

Socialist common prosperity is a fundamental feature of socialism with Chinese characteristics and the common expectation of the masses of people; socialist common prosperity is the basic goal of China's comprehensive construction into a modern socialist country and the main feature of Chinese-style development; and to achieve socialist common prosperity means that rural peasants, like urban workers, should be able to enjoy old-age pension, medical care and other social security benefits. The granting of the right to retirement to farmers and the establishment of a retirement system for farmers, so that they can not only actively participate in the production and creation of social wealth, but at the same time happily enjoy the protection of the distribution of social wealth, and realize that they have something to work for, something to live for in their old age, and something to take care of when they are sick are important measures to ensure that the common wealth is permanently and sustainably shared. Without rich farmers, there will be no rich China, and without stability in the countryside, it will be impossible to have a stable and harmonious Chinese society.

2. Changes in farmers' retirement systems

The development of the rural old-age pension system in China has gone through a series of changes. Between the 1950s and the 1970s, during the early years of the new China, rural old-age pensions relied mainly on the traditional family model of old-age pensions and the mutual-help old-age pension system of collective organizations. Rural cooperatives provided farmers with a certain degree of livelihood protection and old-age services, while the Regulations of the People's Republic of China on Labor Insurance, promulgated by the State Council of the Central People's Government in 1951, was the first specialized legal document relating to retirement after the founding of the People's Republic of China, and formally established a retirement system that applied only to enterprise workers.

Between the 1980s and 1990s, rural areas transitioned from a planned economy to a market economy, and rural old-age care faced new challenges. The collective economy gradually collapsed, family structures changed, and the traditional family model of old-age care was impacted. At this time, the Government began to explore the establishment of a rural social pension insurance system, and a rural pension insurance pilot program was introduced in pilot areas. For a long time after the implementation of the household contract responsibility system, rural old-age pension work was in a blank stage, and it was not until 1992 that the Ministry of Civil Affairs introduced the first rural old-age pension program, the Basic Program for County-level Rural Social Pension Insurance (for Trial Implementation); however, the implementation of this system did not go smoothly, as rural However, the implementation of this

system did not go smoothly, and because rural areas did not have the conditions for the full implementation of social old-age insurance at that time, the participation rate was always low, so the system was forced to stop in 1999, and China's old-age arrangements in rural areas went back into limbo.

2000s to 2013: The rural old-age insurance system gradually expanded its coverage and was introduced nationwide. The Government gradually established a rural old-age insurance fund to provide old-age insurance benefits through farmers' individual contributions and government subsidies. In addition, the Government promoted the construction of nursing homes for rural residents to provide basic care and services. With the development of the market economy, the issue of farmers' old-age pensions came to the fore once again, and out of a concern to narrow the gap between urban and rural areas as quickly as possible and to expand domestic demand, the central government redefined the government's financial responsibility and subsidization policy for farmers' old-age pensions, issuing the State Council Guidelines for Carrying out Pilot Projects of the New Type of Rural Social Old-Age Pension Insurance in 2009, and launching an early pilot project for a new type of rural insurance policy in 10% of the country's regions. The policy, which stipulates that the farm insurance fund consists of a tripartite structure of individual contributions, collective subsidies and government subsidies, has been warmly welcomed by farmers. Compared with the previous policy, the new agricultural insurance policy is more universal, and the increase in financial inputs highlights the Government's subjectivity and willingness to provide, which is one of the factors that have enabled the new policy to operate smoothly[5-7].

2014-present: In 2014, the Regulations on Rural Social Pension Insurance were formally implemented, further improving the rural pension insurance system. The government continued to increase its support for rural pension insurance, raising the level of pensions and gradually raising the retirement age and extending the number of years of participation. In addition, the government encouraged the development of rural community pension services and promoted the development of the rural pension service industry. In 2014, the State Council issued the Opinions on Establishing a Unified Basic Pension Insurance System for Urban and Rural Residents, which merged the social pension insurance for urban residents, which had a similar mode of operation of the system, with the new type of agricultural insurance, and established a unified basic pension insurance system for urban and rural residents across the country, thus marking the beginning of the promotion of China's This marked the beginning of China's progress in merging the systems and entering a new phase in which the urban-rural dichotomy was gradually broken down.

In general, China's rural pension system has undergone a transformation from traditional mutual assistance to the establishment of a rural social pension insurance system. Over time, the Government has continued to improve and refine the pension system to meet the challenges of rural socio-economic development and population ageing.

3. Relevant foreign experience

The German farmers' retirement system is a relatively well-developed social security system, with a unified social insurance system that includes farmers' pension insurance. Farmers must participate in this pension system on a compulsory basis, paying contributions based on the size of their business and their income. This system provides farmers with retirement benefits similar to those of other professional workers. In Germany, the basis for calculating a farmer's pension depends primarily on his or her contribution history and income level. Depending on the number of years of contributions and the amount of contributions, farmers can receive corresponding pension benefits. Apart from that, the German government provides farmers with various agricultural subsidies and benefits, including land subsidies, agricultural modernization grants, and so on. These subsidies and benefits can help farmers better cope with the financial pressure after retirement. Germany has also established many collective nursing homes to provide retired farmers with professional nursing care services. These nursing homes are dedicated to providing a comfortable living environment and comprehensive medical care to meet farmers' daily needs. Germany has prepared a system of transitional settlement payments for farmers in the pre-retirement period to help them transition smoothly into retirement. This system provides farmers with a certain degree of financial support so that they can gradually adjust their lifestyles and rationally plan their lives after retirement.

The German farmers' retirement system is characterized by compulsory participation in the pension insurance system and a comprehensive welfare system. Through various subsidies and services, the Government provides all-round support and protection to ensure that farmers can receive appropriate old-age benefits and life care after retirement.

Retirement security for farmers in Japan consists mainly of the following: the Agricultural Employees' Pension System, the Auxiliary Pension System and the Retired Rural Resident's Allowance. Farmers in Japan must compulsorily participate in the Agricultural Employees' Pension System by paying premiums in accordance with the size of their business and their income. Through this system, farmers can receive appropriate pension benefits upon retirement. In addition to the Agricultural Employees' Pension System, Japanese farmers can participate in the Auxiliary Pension System by voluntarily paying additional pension insurance premiums. This system provides farmers with additional pension benefits to increase their financial security after retirement. When farmers retire, they can apply for the Retired Rural Resident Subsidy. This subsidy provides some financial assistance to retired farmers to help them through their retirement life. In addition, the Japanese government encourages and supports the construction of nursing homes and care facilities to provide retired farmers with professional care and nursing services. These facilities are dedicated to meeting the long-term care needs of retired farmers by providing a comfortable living environment and safe medical care. To help retired farmers make a smooth transition to retirement, the Government of Japan provides support measures for conversion and re-employment. These include vocational training, employment counseling, and business start-up support to help retired farmers continue to participate in other industries or develop their own businesses, and to safeguard their economic and social rights and interests.

It is important to note that the retirement protection system for farmers in Japan is also undergoing continuous development and improvement. The Government has actively adjusted and improved the system to meet the challenges of an ageing population and to provide better benefits and services to retired farmers. At the same time, the Government encourages farmers to increase their retirement income through personal savings and private pension schemes in order to improve the sustainability of their personal pensions.

4. Peasants should enjoy the right to retirement on an equal footing

Farmers should enjoy the right to retirement on an equal footing. The right to retirement is a fundamental right that every worker should enjoy, regardless of his or her occupation or trade. In rural areas, peasants have made important contributions to the country, and they should receive appropriate protection and treatment. There are differences in society as to whether farmers should enjoy the right to retirement on an equal footing with employees of enterprises and institutions and public officials. Some people believe that farmers already own land and have the ability to accumulate a certain amount of wealth, and that they no longer need extra protection from society, but if you take into account the fact that rural migrant laborers have made a significant contribution to urban construction, the abolition of the agricultural tax in 2006, and China's binary system of household registration, you should know that farmers' contributions are no less important than those of urban workers. We should know that the farmer's payment is not less than that of urban workers, but their payment is not reasonably compensated, and all these reasons constitute the first generation of rural migrant workers in the semi-dissolved countryside, still need to be in the "endless" state of "no longer able to work until they can't work".

Agricultural expert Wen Tiejun in the "eight crises" has pointed out that China's economic comparative advantage, does not lie in the abundance of labor, these things are also available in other countries, but lies in our urban-rural dual structure, rural migrant workers into the city to engage in the three highs and one low work (high-intensity, high-risk, high-pollution, low-income) there is no protection of any welfare benefits to obtain the income is also much higher than the income from farming, which is the city construction can be a constant stream of This is the real internal reason why the city construction can obtain the migrant workers. Hundreds of millions of peasants, in fact, are forced to become the workers of the city construction, with the reality of the workers, but without the name of the workers. According to the research of Kong Xiangzhi and He Anhua, because of the more payment and less demand of the rural migrant workers, the rural migrant workers have saved 85495 billion yuan for the economic development of the cities and towns in the form of wage difference, plus the social security cost that has been saved, the rural migrant workers have made a transition of 11.6 trillion yuan for the urban construction, if we count the price scissors of industrial and agricultural products and the land price scissors since the founding of the country, the total amount of the three items added up to 17.3 trillion yuan as of 2007, and the total amount of the three items is as high as 17.3 trillion yuan. If the price scissors of industrial and agricultural products and land price scissors since the founding of the nation are also taken into account, by 2007, the total amount of the three items added up to 17.3 trillion yuan, and the rural areas have invariably borne so many costs for enterprises and developed regions, which is one of the reasons why rural migrant workers have not been able to accumulate any wealth despite their years of labor[8-9].

There is a very common phenomenon of intergenerational exploitation in rural areas, which is reflected in the fact that parents always regard it as their responsibility to take on their children's marriages, houses and education, and that they live their whole lives for their children. In a survey showed that 80% of the villagers have spent their income on the construction of their own buildings, bride price, education, but also often empty a family, this strategy, if placed in a static society, but also to raise children to prevent old age, parents for their children to do everything they can, and the children also scrupulously abide by filial piety. But in the era of great change, the return on this kind of payment is bound to be unequal, their children, now need to live more for themselves, when their children with the parents of the wealth of assistance, began to move to the city to live in large quantities, in the face of a new standard of marriage, education, housing, the money is still not enough, the economic pressure is still huge, accordingly, should be used to support the old man's time and money, have become insufficient, the young people no longer farming, but also forced to support the elderly, the time and money. The fact that young people are no longer farming also forces their aging parents to continue to work the land, and their being supported is delayed.

5. Conclusion

5.1. Improvement of the rural retirement protection system

The retirement rights and benefits of farmers are clearly defined through the enactment of relevant laws and policies. These laws could include farmers' pension insurance, social security laws, rural welfare benefits, etc., to ensure that farmers' retirement rights and interests are legally protected and substantively safeguarded Establishment of legal aid institutions and legal redress mechanisms to provide farmers with legal counseling, dispute resolution and support in defending their rights. This could include free legal aid, legal service centers and arbitration agencies, etc., to ensure that farmers have access to the necessary legal support when defending their retirement rights and interests.

5.2. Improvement of the Government's supervisory and management capacity

Strengthening supervision and enforcement of retirement rights and interests to ensure the effective implementation and enforcement of the law. This can be achieved through the executive branch, the judiciary and independent watchdogs, such as the establishment of specialized agencies or committees for the protection of farmers' retirement rights and interests, to monitor and investigate infringements of retirement rights and interests and hold them accountable. Establish a sound pension system to ensure that farmers receive appropriate pension benefits upon retirement. The law can stipulate the obligations and rights of farmers to participate in the pension system, and clarify contribution standards, calculation methods and benefits.

5.3. Increasing the level of organization of farmers themselves

Encourage farmers to participate in farmers' unions and organizations in order to strengthen their collective rights and interests and the defence of their retirement rights and interests. These organizations can negotiate, consult and represent farmers' interests and work with Governments, employers and other stakeholders for the security of farmers' retirement rights and interests. Encourage cooperation and mutual assistance among farmers and promote resource sharing, experience exchange and technological innovation. Organizations such as cooperatives and agricultural associations can help farmers solve problems together and achieve large-scale operations and marketing.

The protection of farmers' retirement rights requires the joint cooperation and efforts of the Government, legal institutions and all sectors of society to implement the principles and objectives of the law in protecting farmers' retirement rights. At the same time, it is also very important to strengthen public awareness and legal education, so that farmers can understand their rights and ways to enhance their awareness of rights protection.

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