

## Research Article

### Study on Guarantee of Peasants' Rights and Interests under the Strategy of Land Resources Sustainable Use

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**Abstract:** This study has analyzed the difficulties of the guarantee of farmers' rights and interests from the angle of guaranteeing the whole rights and interests of farmers in the carrying out of strategy of land resources sustainable use of land resources, the content mainly expounds the theory of sustainable development, theory of institutional change, theory of property rights and theory of interests and come up with the concept that establishing the perfect peasants' rights and interests security mechanism is the important foundation for the implementation of land resources sustainable use.

**Keywords:** Land resources, land resources sustainable use, peasant land right, rural land circulation

#### INTRODUCTION

Farmland is the farmer's basic means of production, it is also the core source of the wealth of a peasant family. The key of the protection of farmers' land property rights is from the legal level to establish farmers in accordance with the law on property rights owned and farmers from the market level established in accordance with the law of property rights of land income. Farmers' land rights refers to the object of a bundle of rights to rural land property, the right is the core contains possession of rural land, right of use, usufruct and disposition of land these property in land, (Liu, 2010). Our country has made outstanding achievements in implementing the strategy of land resources sustainable use, the urbanization level and living environment has improved a lot (Liu, 2010). However, these achievements to a certain extent is at the expense of the legitimate rights and interests of farmers which should not be ignored.

Rapid urbanization push lead to sharp exaggeration, city scale also resulted in huge loss of arable land resources, the most important is to protect the land rights and interests of farmers to safeguard farmers' management of the agricultural production, it is very important to both farmers' interests and the national food security. The current rural land contract and management rights in implementing the system once played an amazing at the beginning of the performance, but with the development of the socialist market economy, production and business operation mode as the unit of household has not adapted to the

development of social economy reality, the contradiction between small-scale peasant mode of production and big market is more and more prominent, land circulation becomes the important means of the present farmland scale operation, modern agriculture development, farmers' income increase (Chen, 2009).

#### RESEARCH OVERVIEW

**The land acquisition:** In most countries and regions in the world, it has established the system of land expropriation compensation giving corresponding compensation to the loss caused by the holder of the original land (Gao, 2010). Scope of land requisition basic point: under the land privatization, land expropriation is limited to public purpose and to give clear list in most developed countries in order to ensure farmers' interests. On the choice of compensation standard, most developed countries are as far as possible under the premise that voluntary transactions in the market price are as a standard for full compensation. The United States constitution, the scope of land requisition is limited to "public purpose", need fair compensation, to exercise the powers of the government and relevant institutions, it is clear that the government's authority is clear in law and also made it clear to public purpose. Land expropriation compensation standards will be subject to market price and have strict restrictions (He, 2012). As far as possible considering to protect the rights of the landless people, private land ownership to get a good maintenance. The research on land acquisition of American government by Xiang-min

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Li (2007) in Kennedy school at Harvard University researcher thought the government is trying to get needed property through voluntary trade in general (Liu, 2011).

**The rural land circulation:** As for the scholars, research situation of farmland circulation in Britain: Tenant farmers through land lease way to obtain because of farmland concentration by a few big landlords and the possession in Britain in the late 19<sup>th</sup> century, the tenancy conditions is very favorable, rent rate is very low (average about twenty percent of production value), the rental period is longer, so it can be accepted by the local peasant. Plus industrial rise, can make the original agricultural population large gathers (Zhang, 1966). The British government adopt foster smallholders policy, are loans to help small farmers to buy land legislation. In 1970 through the act of farmland has been clear about the farmland leasing to promote farmland circulation. Government set up a special entity undertaking group farmland management, the business content mainly includes land trading services, for the funds required for the agricultural land and unused land for loans, rent, rental service, etc. This kind of government intervention in farmland circulation service platform construction effectively promoted the farmland circulation. From the point of the current farmland circulation research situation, purpose and results of farmland conversion are expanding farmers.

#### **STUDY ON THE STATUS QUO OF FARMERS' LAND RIGHTS AND INTERESTS IN OUR COUNTRY**

**Background and the process of empirical research:** Currently our country has entered the mid-term development stage of industrialization and is turning into the stage of post-industrial, people's living standards have been greatly improved and China is striding forward a higher level of well-off life under the leadership of the party. However, there are all kinds of problems within the development of our country. "Three rural issues" as an example profoundly affects the whole situation of China's economic and social development, our country is an agricultural country, farmer population accounts more than half of the total population in China, which can be said, there is no modernization of the whole of China without the modernization of farmers. Increasing farmers' income is the center of the current party and government work. Currently, rural development has been faced with the severe form, the dual structure in urban and rural income gap between urban and rural areas in rural infrastructure, social security and urban conditions. The "fause" problem of main body caused by the rural collective land ownership has seriously restricted the rural collective economy development, also produced a series of problems such as loss of farmers' land rights and interests.

Rapid urbanization push leads to sharp expansion of city scale, also results in huge loss of arable land resources, main way of protecting the land rights and interests of farmers is to safeguard farmers' management of the agricultural production, both farmers' interests and national food security, it is very important. In addition, the development of urbanization needs a large number of collection of agricultural land in order to meet the construction land in city expansion, leading to the emergence of a large number of land-lost farmers. There are many unreasonable points in current land expropriation system, farmland expropriation system using the pattern of planned economy, the compensation for farmers only is considered farmland productivity gains, not considering the market value of farmland. The rest of the world take the market value as the land expropriation common compensation basis. So the "agriculture, rural areas and farmers" issues in the nexus of contracts is the land problem. Guarantee of farmers' land rights and interests is the key to solve the "agriculture, rural areas and farmers" issues.

**Research plan:** The study is based on this project organization to carry out field research, in this part the author takes Hubei province as an example to examine the status quo of farmers' land rights and interests in our country. In order to understand the current farmers' land rights and interests of the state of Hubei province, we respectively, in May 2012 and September 2013 multiple research team of Hubei province land resources situation, the rural land contracting policy, rural welfare policy, farmers' burden and so on. Research sites for Hubei province agricultural production, expropriation, land circulation is the typical area, including Wuhan Jiangxia district, Huangpi area, Xinzhou district, Xiangyang city these eight areas; Survey covers the local governments, the local community residents committee, villagers' committee, agricultural leading enterprises, professional cooperatives, farmers, etc.; Survey methods include questionnaire survey and interview with household, collection of the data obtained by means of investigation, statistics and analysis, lay the ground for this study.

**Development of farmland changing market situation analysis:** According to our survey results, on the village of farmland circulation situation, 60.56% of the villagers select their contracted land farming, at the same time, according to our practical investigation, there is also a considerable proportion of land subcontracting and land rent everywhere, choosing a small number of subcontracting rent (21.68%) and choosing the most subcontract or rental accounted for 10.35%, in addition, there are 7.41% of the region have all subcontracting or rent out (Fig. 1).

Table 1 shows the reasons for people under investigation don't want to transfer lands (multiple choice). According to our research, most of the farmers said they don't want to go out to circulate the contracted

Table 1: Reasons for people under investigation don't want to transfer lands (multiple choice)

Reason for people under investigation don't want to transfer lands	Chad number	Proportion of the total
Farming is the main economic source	136	71.2%
Old life without guarantee	153	80.1%
Ensuring their children's education expenses	97	50.8%
National policy is not clear	78	40.8%
Land circulation is not standard	71	37.1%
Employment difficulties	119	62.6%

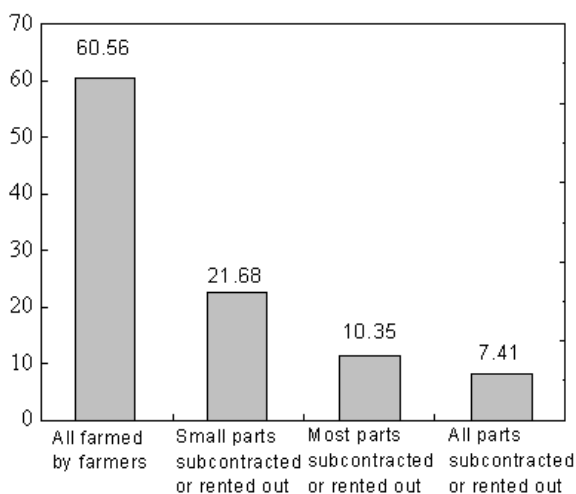


Fig. 1: Condition of land transfer

land, the proportion is as high as 71.2%. As for the cause of not circulate farmland, 71.2% of the farmers said no farming is the main source of economic, 50.8% of the farmers said cannot guarantee their children's education fees, 80.1% of the farmers said living source without worry about her old age security, 37.1% of farmers considered current land circulation is not very standard, worrying about interests are damaged, 40.8% of farmers fear the national policy change and bring their losses. In addition, 62.6% of respondents said to non-agricultural employment is difficult, so there's no reason to the hands of the farmland flow out.

**Study on the agricultural subsidies of subjects:**

Table 2 shows awareness of people under investigation on the legislation of agricultural subsidies. Through the analysis of 193 questionnaires of recycling, we found that the popularity of agricultural subsidy legislation knowledge is low, only 8.7% of the people of legislation is quite understand, knowing some countries promulgated according to the laws and regulations of the agricultural subsidy policy, grassroots cadres, social people and accounts for a significant proportion among this part, that is to say, farmers, as the main body of new countryside community construction, know very little about the law of the agricultural subsidies, it shows that the work is not enough on the promotion and popularization of the law, although the agricultural subsidy policy has been implemented for years, but the farmers on the degree of master subsidies related legal knowledge is not enough. In the process of national agricultural departments to send of the science and

technology to the countryside, not only to promote agriculture by applying scientific and technological advances, but also make the farmers become more aware of national and related policies.

Table 3 shows view of people under investigation on China's agricultural subsidies amount of standard. Due to the limited financial resources in our country at present, the low amount of direct subsidies to farmers, so that the price fluctuation of agricultural products for farmers to benefit influence did not reduce because of the agricultural subsidies. In the survey, people think now agricultural subsidy through high number is zero, that is the problem of low agricultural subsidies now is a national consensus, therefore can only strengthen the agricultural subsidy policy cannot weaken. People who think the agricultural subsidy through low 76%. According to the budget, farmers in China due to the exemption of agricultural tax, subsidies for growing superior seed varieties and comprehensive income support to farmers and the benefits of about 80% were agricultural materials rise in price is offset, which cut down the farmer's production enthusiasm, also caused the bad influence on the development of grain production.

**Rural social security system implementation status:**

Table 4 shows channels to know the new rural cooperative medical system. When asked about the local farmers from where learn of the new type of rural cooperative medical care, 25.4% of respondents are advertised through the door way to understand the new type of rural cooperative medical care; 40% of those polled by way of radio and television news to understand the new type of rural cooperative medical care; 13% of those polled by leaflets acceptable way to understand the new type of rural cooperative medical care; 21.8% of the respondents understand the new type of rural cooperative medical care through other ways, for example through convey understanding between friends and relatives.

Table 5 shows the help that new rural cooperative medical system do for farmers. With the augmentation of the economic strength, the Chinese government is stepping up spending on social security, especially with a social security system in rural areas as soon as possible. The new rural medical insurance has been the promotion of large area, according to our survey data, 22.3% of respondents think the help of the new rural cooperative medical care system for farmers is very big, 59.6% of respondents think that the new type of rural

Table 2: Awareness of people under investigation on the legislation of agricultural subsidies

Survey items	Survey options	Proportion of the total
Comprehension degree on legislation of agricultural subsidies	Quite understand	8.7%
	Better understand	15%
	Know less	30.7%
	Don't know	45.6%

Table 3: View of people under investigation on China's agricultural subsidies amount of standard

Survey options	Chad number	Proportion of the total
Subsidy standards too high	0	0%
Subsidy standards suitable	46	24%
Subsidy standards too low	147	76%

Table 4: The channels to know the new rural cooperative medical system

Survey options	Chad number	Proportion of the total
Promotion indoor	49	25.4%
Broadcasting and TV News	77	40%
Leaflet	25	13%
Other ways	42	21.8%

Table 5: The help that new rural cooperative medical system do for farmers

Survey options	Chad number	Proportion of the total
Great help	43	22.3%
A certain help	115	59.6%
Not very useful	19	9.8%
Useless	16	8.3%

cooperative medical care has certain help to themselves, 9.8% of respondents said they are not very useful on their own, there are 8.3% of the respondents thinking that there is no use to participate in the new rural cooperative medical care.

### INVESTIGATION CONCLUSION AND PROBLEMS OF PERSPECTING FARMERS' LAND RIGHTS AND INTERESTS

**Unreasonable income distribution system of rural land:** Land revenue includes productive income and property income and for the rural social stratum, unreasonable institutional arrangements are made to the detriment of income distribution system of rural land to peasants, land productivity gains and the guarantee of property income are not practical. From the founding of new China until the end of the 20th century, in the long half a century, the Chinese government through the industrial and agricultural product price scissors transfers of wealth has created in the rural areas to cities to support the construction of industrialization and urbanization, farmers bear the heavy historical mission, providing the original capital for the development of China's industrialization, at the same time itself has paid a huge sacrifice, low standard of living for a long time, rural social stratum, education, inadequate health care, farmers become the biggest disadvantaged groups, at risk of marginalized. However, it should be the

development of industry regurgitation feeding agriculture and cities support the countryside stage, a large number of rural land expropriation is used to support the expansion of city scale expropriation compensation which does not involve huge appreciation income after the land use conversion. Farmers are compensated only on the basis of agricultural output value of farmland and the highest do not exceed 30 times the agricultural output of the value. The current agricultural high cost of living, engaged in agricultural production, land income of about 2000 yuan per mu to the highest standards for compensation is only sixty thousand yuan, but the value of farmland is entered into the market after a few hundreds of thousands of, many millions, this kind of land income distribution system is extremely unreasonable, farmers were not treated fairly. Farmers are also Chinese citizens they contribute to the development of China's economic strength as well, but the farmer's economic status is very low, low economic status and further make the farmers at a disadvantage position in the social interest structure, being constantly marginalized.

**Land circulation market mechanism is lack to be standard:** From the beginning of 1980 s, our country's law began to encourage and support of the farmland circulation. To increase peasant income, farmland circulation in China is important way to realize the agricultural industrialization, large scale, but in addition to the Yangtze river delta, the pearl river delta and other minority regions, our country is still at the primary stage of farmland circulation, circulation scale co., LTD., the land circulation market mechanism is not standard, greatly limits the orderly conduct of farmland circulation. Land circulation market mechanism is not standard is mainly manifested in the following aspects: first, the lack of farmland circulation of transaction platform, should actively establish the land around the exchange platforms such as promote the health of the farmland circulation. Second, the farmland circulation related intermediary organizations is not sound. Intermediary organizations play an important role in the farmland changing market, both sides of the communication flow, promote farmland circulation of information exchange. Intermediary organization is not sound in farmland conversion cost is high, scale and benefit of farmland circulation. Third, the excessive administrative intervention. In many parts of the local government the farmland circulation make achievement projects, or to interfere in farmland circulation for the benefit of its own activity, make the market price mechanism play a role of limited space, violate the interests of the farmers.

**Agricultural subsidy through is low:** In recent years, with China's comprehensive national strength and the rapid increase of financial strength, China aims at

"agriculture, rural areas and farmers" in the field of investment also increases sharply. However, due to historical debt is too much, at the same time, farmers in China is a large group, the average farmers receive subsidies are relatively limited and the serious inflation in recent years, agricultural materials production price rise is bigger, agriculture subsidies for farmers was offset by rising prices of agricultural support is limited. On the one hand, should increase subsidies for farmers and really have the effect of support the development of the agriculture, protect farmers' grain enthusiasm; On the other hand, increasing agricultural subsidies, increase the main commodity grain base, large grain subsidies, agricultural leading enterprises, guarantee the food security of our country.

**Land rights and interests of disputes is increasing:** In the reality, the land rights disputes mainly in two areas, the first field is the rural collective, farmland changing caused due to the dispute, the second field is the expropriation areas, because the current land expropriation system in China under the unreasonable land conversion pattern of interest distribution in landless peasants with the local government, developers and other main body of the disputes. Land rights disputes has become the important factors that affect stability in our country, the cause of the farmers petition and land rights disputes have more direct indirect relationship, must has drawn great attention of academia and government.

#### **FARMERS' LAND RIGHTS AND INTERESTS PROTECTION COUNTERMEASURES UNDER THE PERSPECTIVE OF LAND RESOURCES SUSTAINABLE USE OF LAND RESOURCES**

**Improve the security legal system:** Guarantee of farmers' land rights and interests is the core of the problem and improve the security system of the citizens' legal private property of legal system, relatively complete farmland rights and legal system helps to adjust the government as a representative of the public interest and represented by the villagers' collective conflict between private interests, to form a harmonious order of farmland changing to provide stable and reliable legal system environment. The farmers' land rights and interests of the legal guarantee system construction needs to change the traditional "public young private suppression" legislative idea. Local government using the administrative power to land collectively owned by peasants compulsory and non-market price compensation strategies both deviate from the equilibrium theory of jurisprudence, administrative law and in violation of the equal protection of property rights legal principle. Therefore, legislators should fully mature legislative achievements developed country for reference, on the basis of both public interests to perfect the system of farmland changing law and provides legal

protection for marketization of rural land circulation mechanism.

**Optimization of allocation function of farmland property right trading market resource:** Construction of market-oriented operation mechanism for the farmland changing business placed on justice will help the open operation platform of the system and eliminate stakeholders in the process of farmers' land circulation from using their dominance chance to abuse farmers' land rights and interests of behaviors effectively (Lin, 2010). Local governments shall formulate corresponding institutional incentives social forces to participate in the construction of the rural land property rights trading market. Through perfecting the farmland property rights trading market operation mechanism, the administrative leading farmland property right trading mode change for market leading farmland property right transaction mode, help to reduce some government officials corruption in the process of farmland circulation, promote farmland property right transaction efficiency and protect farmers.

**Improvement of social security mechanism construction for land-lost farmers:** Problems of building the social security mechanism of the farmers caused by farmland circulation is the key to promote farmland circulation enterprises. Local governments should be rational allocation of farmers' land circulation capital, from which to draw reasonable share for land-lost farmers is used to establish the social security mechanism, to effectively protect the land rights and interests of farmers. Local governments shall be allocated from the farmland transfer money working skill education special fund. It is used to establish vocational skills training for land-lost farmers, in order to enhance its from agriculture to other industry employment ability. Local government shall establish a system of rural residents income distribution of secondary system, adjust the first income imbalances in the distribution of wealth through administrative means. Under the administrative intervention, the secondary distribution policy system should highlight to establish compensation policy for land rights and interests of land-lost farmers losses, categorizing land-lost farmers into three risks hardware as the core of the social security system as a whole, to effectively protect the legitimate economic rights and interests of land-lost farmers.

**Reasonable distribution of land rights and interests between farm households, the collective and the government:** To promote the development of urban and rural areas as a whole, we must increase the level of whole social welfare through the efficient allocation of resources and the property right arrangement how to directly affect the efficiency of resource allocation. According to the coase theorem "right must be defined

for the party eventually lead to the social welfare maximization". And farmers' collective rights ultimately should be implemented in the collective individual rights, collective rights should be not only the set of its internal farmers rights and interests, but also the collective and farmers' rights and interests of the faithful representatives. Therefore, on the three rights arrangement, the farmers' land rights and interests safeguard farmers' land will be stable and increase. Maintain the collective farmers as its internal representation and guarantee the collective ownership and puts the rights and interests and the state ownership of land equal status, especially in business aspects of construction land, collective bargaining. At the same time, the power of the government should be checked, the land requisition system need to be standardized, the government's land expropriation power range should be limited within "public welfare" land and not let it magnify.

### CONCLUSION

This study aims to revealing theoretically the root of lagging in rural social and economic development in China. The loss of farmers' land rights and interests involved in the various institutional defects in many areas, the propulsion of urbanization lead to the cultivated land resources with extraordinary speed loss, loss of land requisition system led to the pattern of land interests of peasants at extremely disadvantage, especially the central and western regions across the country, the rural collective economic organizations false, lack of collective economy. The current land expropriation system also has much unreasonable; farmland expropriation system using the pattern of planned economy, the compensation for farmers only is considering about farmland productivity gains, not considering the market value of farmland. The rest of the world shows as the market value of the land expropriation common compensation basis.

Land problem is the key to the focus of contradiction farmers and grassroots government, for many years, what is happening around the land rights and interests of farmers' petition phenomenon common occurrence. There are many scholars are analyzed from various angles of research, putting forward some constructive opinions and suggestions. But these studies are limited in the survival of rights of land-lost farmers

and interests protection, the rights of farmers as the collective land owner didn't get the attention they deserve. China is a country that rural population and land proportion accounted for the vast majority, the author believed that farmers is an important subject to carry out the land resources sustainable use strategy of land resources, under the premise to clarify the farmers' land rights and interests is more practical significant. Safeguard the implementation of farmers' whole land rights and interests is the most important social basis to realize the land resources sustainable use of land resources. This study takes an example of Hubei province to expound and analyze.

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