

Research on the Exit Mechanism of Land Contract Management Rights Under the Background of Rural Revitalization

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Abstract: The exit mechanism of land contract management rights is an important link in the development and improvement of China's rural land system, as well as an important way to optimize the allocation of rural land resources, achieve agricultural scale and modernization. Innovatively applying the "micro-meso-macro" framework for analysis, it was found that the factors affecting farmers' exit from land contract management rights mainly include individual characteristics at the micro level, household conditions at the meso level and exit policies at the macro level. The improvement of the exit mechanism for land contract management rights requires innovation in exit models, refinement of laws and regulations and leveraging the role of market entities.

Keywords: Land Contract Management Right; Exit Mechanism; Influence Factor; Methods for Improvement

1. Introduction

The Rural Revitalization Promotion Law, which came into effect on June 1, 2021, provides guarantees for the comprehensive implementation of the rural revitalization strategy from multiple aspects such as "industrial development", "talent support" and "cultural prosperity". The second paragraph of article 55 in the "Urban Rural Integration" section of chapter 7 of the Rural Revitalization Promotion Law clarifies from a legal perspective that in the process of promoting the rural revitalization strategy, farmers' entry into the city for household registration is not a prerequisite for withdrawing their land contract management rights. However, upon closer examination, it is not difficult to find that despite such clear regulations on the surface, there is a controversial issue of the exit mechanism for

land contract management rights. Therefore, only by exploring the issue of the exit mechanism of land contract rights in a more general sense can we have a deeper understanding of the original intention of the above regulations and the various practical situations that may be encountered in their implementation.

Based on this, the study focuses on the exit mechanism of land contract management rights, which mainly includes the following three aspects. Firstly, it is necessary to clarify the rights attributes and connotations of land contract management rights, which is the starting point and foundation for subsequent research on exit mechanisms. Secondly, the preliminary innovative application of the "micro-meso-macro" analysis framework is used to explore the relevant influencing factors. Finally, relevant suggestions are proposed to improve the exit mechanism for different entities.

2. Clarify the Attributes and Connotations of Land Contract Management Rights

From the proposal of the reform of "separation of three rights" in agricultural land to the promulgation and implementation of the Civil Code, the debate on the attributes and connotations of land contract management rights has been ongoing. In the end, the Civil Code chose to adhere to the theory of usufructuary rights and stipulated land contract management rights as an independent form of property rights. The "final decision" of the Civil Code does not mean that many previous debates are meaningless. On the contrary, summarizing and reflecting on various controversial opinions is beneficial for deepening the understanding and comprehension of land contract management rights.

2.1 Recognize the Land Contract

Management Right as a Self Owned Property Right

The traditional European civil law theory, represented by German civil law, holds that land ownership is a self owned right, and usufructuary rights, including land contract and management rights, are all derived from other property rights of ownership without exception. Under the traditional framework of "self property right-other property right", the self property right holder and the other property right holder should be different subjects. However, by examining the evolutionary history of China's agricultural land system, the theory of self property rights suggests that unlike the traditional distant relationship between usufructuary rights holders and owners, there exists a closer relationship between farmers and collectives. In a sense, farmers are the ultimate rights holders of collective land ownership. At the same time, farmers also have the substantive right to land contract management. The relationship between these two rights is not the traditional derived relationship, but an almost parallel relationship. Land contract management right is a way for farmers to exercise their own rights, essentially a form of self owned property right^[1].

2.2 Separate Land Contract Rights from Land Contract Management Rights

In the process of implementing the "separation of three rights" reform in agricultural land, there has been a heated debate about the specific connotation and interrelationships of the three rights. Among the objects of debate, the figures of land contract rights and land contract management rights are commonly seen. In terms of land contract rights, before the proposal of the "separation of three rights", there were almost no scholars in the legal community who regarded it as an independent civil law right. Even after the implementation of the "separation of three rights" reform, the majority of scholars still oppose the use of land contract rights as an independent right. However, the various practical problems faced during the implementation of the "separation of three rights" policy have prompted traditional theories to rethink the connotations and interrelationships of various rights. In this context, the separation theory holds that due to numerous theoretical

differences with land contract management rights, land contract rights should have their own independent positioning, rather than being included in the land contract management rights as advocated by traditional theories. In terms of specific differences, firstly, in terms of the subject of rights, the subject of land contract management rights is relatively broad and has fewer identity restrictions; Secondly, in terms of rights attributes, land contract rights have less property rights attributes and more identity rights attributes; Finally, the ways in which the law protects two types of rights after they are infringed upon vary^[2].

2.3 Adhere to the Original Usufructuary Rights Attribute of Land Contract Management Rights

Although the above self property rights theory and separation theory have received support from some scholars, they inevitably have theoretical flaws. Although the theory of self property rights is proposed to some extent based on the reality of China's land system, it is difficult to integrate into the traditional civil law framework of "ownership-usufructuary rights" and is also difficult to operate and implement in reality. The separation theory to some extent assumes that the right to contract is naturally included in the right to land contract management, but the foundation of this argument is not solid^[3]. At the same time, separating the land contract right from the land contract and management right will undermine the integrity of the land contract and management right, and also does not conform to the traditional legislative concept of usufructuary rights in the continental legal system^[4]. Ultimately, based on the original Property Law, the Civil Code chose to retain the independent type of usufructuary right of land contract and management rights, rather than establishing land contract rights as a new type of usufructuary right, thus maintaining policy stability and saving costs.

3. Factors Affecting Farmers' Exit from Land Contract Management Rights

For a long period of time in the past, farmers' main source of income was through contracting and cultivating land. Even in an era of accelerating urbanization, withdrawing from land contract management rights is undoubtedly an important decision for

farmers. At the same time, the factors that affect farmers' exit from land contract management rights are inevitably multiple and complex. For these influencing factors, existing research results mostly explore them from a certain aspect or region, and rarely provide comprehensive analysis or analytical frameworks. On the basis of clarifying theoretical disputes and clarifying the provisions of the Civil Code on land contract management rights, this article draws on existing research results and attempts to summarize and explore relevant influencing factors from three levels: micro, meso and macro. It innovatively establishes a "micro-meso-macro" analysis framework. Specifically, under the background of rural revitalization, the factors that affect farmers' exit from land contract management rights mainly include individual characteristics at the micro level, household conditions at the meso level and exit policies at the macro level.

3.1 Individual Characteristics

The individual characteristics of farmers, as a comprehensive factor, include numerous sub factors. Among them, age and education level have a significant impact on farmers' exit from land contract management rights. Firstly, in terms of age factor, empirical research results indicate that middle-aged farmers have a stronger willingness to withdraw from land contract management rights compared to young and elderly farmers. Compared with young farmers, middle-aged farmers have a certain economic foundation and life experience, and have fewer concerns about withdrawing from land contract management rights. At the same time, the elderly farmers have a strong attachment to the land and find it difficult to integrate into the new urban life, so their willingness to withdraw from land contract management rights is not strong. Secondly, there is a positive correlation between education level and farmers' willingness to withdraw. Farmers with higher education levels have a stronger willingness to withdraw from land contract management rights^[5]. Compared to farmers with lower education levels, farmers with higher levels of education have more human capital and are more likely to acquire new vocational skills, enabling them to find jobs in cities more quickly. On the contrary, farmers with lower education levels find it

difficult to obtain economic sources in cities, so they are less willing to withdraw from land contract management rights.

3.2 Household Conditions

When farmers make the decision to withdraw from land contract management rights, in addition to personal factors, they generally also consider the overall situation of the family. Among them, factors such as family demographic structure and economic security are key considerations for farmers. Firstly, the demographic structure of a household affects the ratio of income generating individuals to non income generating individuals at both the current and future levels^[6]. For families with relatively high upbringing in the present and future, farmers are less likely to have concerns about withdrawing their land contract management rights. On the contrary, in families with relatively low upbringing, farmers will face greater pressure when they withdraw from their land contract management rights. Secondly, withdrawing from land contract management rights means that farmers will not be able to obtain economic income through cultivating contracted land. Therefore, before obtaining other stable sources of income, family economic security is an important factor that farmers have to consider. Families with a higher proportion of non-agricultural income and insurance purchase have better economic security during the "leaving agriculture and going to the city" stage. With economic security in the family, farmers have more confidence when they withdraw from land contract management rights.

3.3 Exit Policies

Compared to individual characteristics and household conditions, exit policies are external factors with greater uncertainty. Therefore, the exit policy has a significant impact on the willingness of farmers to withdraw their land contract management rights. Generally speaking, exit policies include compensation at the time of exit and protection after exit. Firstly, the existence and specific forms of compensation for farmers' exit from land contract management rights have a certain impact on their willingness to withdraw. At present, the consensus in the theoretical community is that compensation should be a prerequisite for farmers to withdraw from their land contract

management rights. However, there is still significant controversy in the academic community regarding the form of compensation^[7]. This article believes that the form of compensation is the result of interaction between the local government and the farmers who have returned their land, and needs to be determined by considering multiple factors such as local financial capacity and the actual situation of farmers. Secondly, in practice, the exit policies in some places have shown a trend of single to comprehensive, one-time to long-term changes. The old exit policies often only include one-time exit compensation, while the existing exit policies also include many safeguard measures for farmers after their exit, such as policies for children's enrollment and employment. The integration of policies has also increased farmers' willingness to withdraw to a certain extent.

4. Suggestions on Improving the Mechanism for Withdrawing Land Contract Management Rights

The preliminary analysis framework of "micro-meso-macro" was used in the previous text to explore the multiple factors that affect farmers' exit from land contract management rights. On this basis, this article believes that as an important component of the rural revitalization strategy, the improvement of the mechanism for the exit of land contract management rights requires the joint efforts of multiple parties. The relevant entities mainly composed of administrative organs need to innovate exit models, the relevant entities mainly composed of legislative organs should refine laws and regulations, and all sectors of society should jointly play the role of market entities, work together to overcome difficulties and encourage progress.

4.1 Innovate Exit Models Based on Local Realities

The factors that affect farmers' exit from land contract management rights vary from time to time and from place to place, with characteristics such as multiplicity and variability. Therefore, the exit mode in various regions must be based on reality and innovative after considering various influencing factors. In the practice of withdrawing land contract management rights, Chongqing, Anhui, Ningxia and other places have combined local

conditions to create exit models with local characteristics such as "land ticket" and "equity exit", achieving relatively ideal exit effects^[8]. At the same time, innovation in exit modes needs to focus on the main factors that affect farmers' willingness to exit. Given the impact of economic security factors in family situations on farmers' willingness to withdraw, the exit model should encourage and assist farmers in purchasing insurance; Given the impact of post exit security factors on farmers' willingness to withdraw, the exit model should focus on ensuring the basic livelihood of farmers who have withdrawn from the land in the long run.

4.2 Develop Detailed and Supporting Laws and Regulations

Currently, there are few laws and regulations regarding the exit of land contract management rights, and the content is relatively vague. Therefore, for various specific problems that occur in reality, existing laws and regulations cannot provide sufficient rule supply in a timely manner. The current laws and regulations lack detailed provisions on factors such as exit policies and exit guarantees that affect farmers' willingness to withdraw analyzed earlier. At the same time, considering the multiple and variable factors that affect farmers' willingness to withdraw, the formulation and application of relevant rules cannot be a one size fits all approach. A possible solution to problems such as the lack of rules and the difficulty of uniform application of rules is to fully leverage the proactive role of local regulations and rules. National level laws such as the Rural Revitalization Promotion Law have outlined a blueprint and established a roadmap. On this basis, local people's congresses and governments need to timely establish, revise, abolish and interpret relevant laws and regulations based on the actual situation of the region, to provide guarantees for the operation of the mechanism for the exit of land contract management rights.

4.3 Fully Leverage the Positive Role of Market Entities

At present, the process of withdrawing land contract management rights in most regions is led by local governments, and relevant market entities are difficult to play a significant

role. However, some field research results indicate that the exit of government led land contract management rights may face financial pressure and economic risks. Introducing market mechanisms such as investment attraction is beneficial for achieving long-term benefits^[9]. Therefore, in an era of continuously improving marketization, the efficient operation of the mechanism for withdrawing land contract management rights also relies on the power of market entities. At the same time, the introduction of market entities to participate in the exit mechanism of land contract management rights is a gradual process. In this process, it is necessary to optimize organizational support and establish a reasonable mechanism for income distribution to protect the legitimate rights and interests of farmers.

5. Conclusions

The land contract management rights is an extremely important right for the vast majority of farmers. The implementation of the rural revitalization strategy has further enriched the rights subject and connotation of land contract management rights. In this context, it is particularly important to establish and improve the mechanism for the exit of land contract management rights. At present, the construction of the exit mechanism for land contract management rights in many areas is still in the exploratory stage, which has accumulated some useful experience but also exposed some problems. In this process, only by taking into account the interests of farmers and fully considering the multiple and complex factors that affect their willingness to withdraw can the exit mechanism operate efficiently. Given the multiplicity and complexity of exit factors, this article innovatively proposes a "micro-meso-macro" analytical framework. Although the specific situations vary in different regions and the weights of various influencing factors are not the same in reality, the significance of the framework lies in providing a possible and comprehensive analytical approach. Therefore, proposing a framework places more emphasis on methodology. In this sense, for future research, the inspiration that this article may provide is to pursue the organic unity of operational and

methodological levels.

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