

# ***Implementation Path of Legalization in Rural Governance in China***

**Xiaozhen Xu<sup>1,a,\*</sup>**

*<sup>1</sup>School of Law and Public Administration, Jishou University, Renming South Street, Jishou City, Xiangxi Tujia and Miao Autonomous Prefecture, Hunan, China*

*a. 1730860932@qq.com*

*\*corresponding author*

**Abstract:** The rule of law serves as the foundation for constructing modern rural governance mechanisms and stands as an essential avenue toward achieving modern governance. Influenced by unique natural environments and diverse cultural customs, remote rural areas in China still face challenges in the construction of rural legal foundations, the inadequacy of legal systems in rural governance, insufficient public legal services in rural areas, and a lack of institutional mechanisms for diverse participation in the legalization of rural governance. To address these issues, there is a necessity to prioritize the most pressing needs of farmers. This necessitates focusing on building a comprehensive legal system in agricultural domains, emphasizing the status of village regulations and customary laws, strengthening rural public legal service systems, innovating methods of legal education, and fostering a legal atmosphere. This approach aims to expedite the process of legalizing rural governance.

**Keywords:** Rural Governance, Legalization, Rural Revitalization

## **1. Introduction**

Due to influences from natural geographic environments and cultural customs, governance in remote mountainous regions differs significantly from other areas. This study, adopting a legal perspective, examines the status of rural legal construction in China's remote mountainous regions, the challenges faced, and proposes pathways for resolution. This effort holds significant implications for establishing an integrated rural governance system that incorporates autonomy, moral governance, and the rule of law, thereby advancing the modernization of national governance systems and capabilities.

## **2. The Fundamental Connotations of Rural Governance**

### **2.1. Definition of Rural Governance**

#### **2.1.1. Evolution of the Concept of Rural Governance**

Rural governance is a concept with logical developmental aspects. While the term "governance" has a long history, traditionally, it was closely associated with terms like management and rule. However, since the 1990s, governance has gradually diverged from the connotations of rule and management and acquired new meanings. Governance encompasses various methods employed by public or social organizations to manage common affairs, characterized by four features: coordination, process-

oriented, interactive, and the involvement of multiple governance entities. Although governance and management differ by a single word, they signify the transformation of the national governance model [1].

Similarly, the connotation of rural governance has evolved with time. From the traditional imperial era's "official governance and autonomy" to the reform and opening-up period's "rural governance and village administration," there has been a shift from leaders based on clan or gentry powers [2] as the main agents of rural governance to the primary roles being assumed by township governments and villagers' committees. Rural governance now emphasizes revitalizing grassroots governance and respecting democratic rights of grassroots communities [3].

### **2.1.2. Temporal Connotation of Rural Governance**

Since the implementation of the rural revitalization strategy, the Party and the state have successively issued numerous policy documents that further elucidate and refine the strengthening of grassroots rural work and the establishment of an integrated "three-tier" rural governance system. These documents provide more precise guidance for the practice of rural governance. In January 2018, the State Council's opinion on implementing the rural revitalization strategy proposed establishing a comprehensive rural social governance system, inclusive of Party committee leadership, government responsibility, social coordination, public participation, and legal guarantees [4]. In June 2019, the State Council issued guidelines aimed at strengthening and improving rural governance, emphasizing the addition of technological support as a crucial element of rural social governance systems. It advocated for the construction of a pattern of shared construction, governance, and benefits in social governance. Furthermore, it highlighted the necessity of enhancing governance systems under Party organization leadership, combining autonomy to invigorate, legal governance for robust protection, and moral governance to elevate positive values [5]. The implementation of the "Rural Revitalization Promotion Law" in June 2021 further cemented the interpretations and requirements of new era rural governance systems and governance capacity in legal form, providing legal assurances for the modernization of rural governance systems in this new era. In summary, rural governance constitutes a comprehensive systemic endeavor that necessitates diverse entities collaborating and co-governing to achieve more ideal governance outcomes. Under the context of rural revitalization, rural governance refers to a mode of governance under Party organization leadership, founded on village autonomy, integrating the rule of law and moral governance, and involving multiple entities in governance [6].

## **3. Characteristics of Legalization in Rural Governance in the New Era**

In the new era, rural governance emphasizes the integration of autonomy, moral governance, and the rule of law within a rural governance system characterized by the participation of multiple governance entities. Within this system, the rule of law, as a means of comprehensive governance based on the principle of governing the country by law, plays a crucial role in maintaining stability in remote rural societies and the orderliness of rural development.

### **3.1. Meaning of Legalization in Rural Governance**

The rule of law stands as a robust guarantee for advancing rural governance. The level of legal governance signifies modernization in rural governance and serves as a robust assurance for supporting rural revitalization and development. Elevating the level of the rule of law is crucial to alleviate social conflicts in rural areas, safeguard the legitimate rights of farmers, and maintain authoritative stability in rural societies. This underscores the necessity of legal governance in rural areas. To further enhance the level of legal governance in rural governance, the Central Committee's

No. 1 Document of January 2018 proposed the "Construction of Law-based Villages." Additionally, in March 2020, the Central Committee for Comprehensive Law-based Governance issued opinions to reinforce the construction of law-based villages, delineating key tasks and setting the target of establishing law-based villages by 2035. Rural areas, as a crucial component of national governance, demand intensified efforts to expedite the construction of law-based villages [7]. Constructing law-based villages necessitates tailoring approaches to explore novel models suited to local conditions, leveraging the role of the rule of law in rural governance. It mandates villages to base their construction efforts on local geographical conditions, economic and social circumstances, cultural customs, emphasizing a model that combines moral and legal governance aligned with local needs and socio-economic conditions. Only through such methods can a more effective legal governance system for rural governance be established, offering robust legal assurances for rural governance.

### **3.2. Characteristics of Legalization in Rural Governance**

The legalization of rural governance not only pertains to the comprehensive rejuvenation and development of rural society but also impacts the modernization level of China's rural governance systems and capabilities. Across various developmental periods in the nation, rural areas and farmers have been focal points for legal education. However, the varying economic statuses of rural regions have led to significant disparities in the capacity and level of legalization construction. Comparisons between underdeveloped and developed rural areas, ethnic and non-ethnic regions, reveal substantial differences in rural governance, the development of legal cultures, and the levels of legal education. Challenges persist in China's rural legal construction, including weak legal awareness among villagers and a feeble legal force.

#### **3.2.1. Weak Legal Awareness**

For years, influenced by traditional and inherent cultural qualities, villagers in remote mountainous regions exhibit a weak concept of the rule of law due to three main factors. Historically, the concept of rule by man still holds sway, leading to a tepid understanding of the rule of law among villagers, resulting in low levels of legal acceptance. Geographically, according to research, despite the policy of establishing one court for each township in County A, Hunan Province, with 24 administrative villages, the considerable distances between towns, villages, and rugged terrains hinder the relationships between villagers and rural judiciary, impeding legal access. In terms of rural governance, entrenched by customary practices, villagers predominantly rely on customary rules and agreements rather than the law to maintain local social relations and order. Research indicates insufficient education among villagers regarding the law.

#### **3.2.2. Feeble Legal Force**

The legal force is a pivotal support for the legalization of rural governance. Strengthening legal force is a crucial aspect of effectively implementing rural governance in the strategy for rural revitalization. However, bolstering legal force and advancing legal implementation require the support of legal talents and teams. In practice, the construction level of legal talent teams in remote mountainous regions needs improvement. For instance, during the research in County A, Hunan Province, there is a scarcity of village elite talent. Influenced by urbanization, villages suffer from hollowing out as talents continually leave. Within the party organizations in villages, there is a lack of competent members adept at using legal thinking and methods to resolve conflicts and disputes. Moreover, the majority of villagers engage in leisure activities like playing cards, with low levels of education. Observable high divorce rates and school dropouts among the younger generation further exacerbate the situation.

Secondly, remote and underdeveloped mountainous areas struggle to attract external legal talents. Even if talents are recruited, they tend to use the region's established positions as a springboard, intending to relocate to better-developed areas after a few years [8]. Without effective policies to attract talents, the region fails to build a high-quality legal talent pool, resulting in a weak legal force becoming a primary hindrance to the construction of law-based villages in the area.

## **4. Challenges in Legalizing Rural Governance**

### **4.1. Imperfect Legal System in Rural Governance**

#### **4.1.1. Inadequate Rural Legislation Supply**

Despite the issuance of the "Rural Revitalization Promotion Law," the practical application still lacks in protecting farmers' rights, due to regional variations. Rural governance heavily involves the most active elements, the farmers, in matters significantly impacting their interests. Insufficient legal protection could easily lead to disorder in rural social order, especially in remote mountainous areas where frequent land acquisition and demolition occur. The absence of specific legislation could erode farmers' rights. Additionally, social security for farmers lacks robust legal support. Current laws concerning rural social security fail to cover crucial aspects such as land cultivation, agricultural techniques, farmland protection, and agricultural insurance [9].

#### **4.1.2. Predicament of Village Regulations and Customary Practices**

A sound institutional system is fundamental to effectively modernizing rural governance. At present, institutional norms can be broadly classified into formal and informal norms. Formal norms, acknowledged or enforced by the state, and informal norms, such as village regulations and customary practices, developed through long-term communal living or social interaction, coexist.

The "Civil Code" recognizes customary practices as a legal source, implying that under specific conditions, customary law may directly apply in court proceedings, which is significant for resolving disputes within local contexts. However, in practice, customary law seldom serves as a direct case basis but is indirectly applied in trials [10].

Village regulations and customary practices play significant roles in actual rural society, though they often indirectly apply in practice. Emphasizing formal law alone could lead to discord among local masses in areas where legal authority is not firmly established. Thus, in remote regions where legal authority remains nascent, valuing the status of village regulations and customary practices and reinforcing diverse mechanisms for resolving rural disputes are essential strategies for maintaining order in remote and underdeveloped rural societies.

Currently, several village regulations are mostly displayed but fail to resonate with villagers, unable to meet their demands. Therefore, the vital importance of amending and perfecting village regulations in constructing and enhancing legal rural environments is highlighted.

### **4.2. Inadequate Public Legal Services in Rural Areas**

The closest link between the village government and the villagers is through the township government and the Party-building service centers. As crucial actors in rural governance, some village cadres have limited legal knowledge and a low awareness of the rule of law, resulting in weakened abilities to use legal means to resolve disputes. This leads to a dilution of various regulatory laws and regulations, poor adherence to legal procedures, low levels of legal thought, and a diminished capacity to protect villagers' legitimate rights. Moreover, irregularities in the village committee's election process and weakened supervision by the village people's congress further compound the issue, affecting the

effective role of the rule of law in rural autonomy and adversely impacting the creation of a legalistic governance atmosphere in villages.

### **4.3. Lack of System Mechanisms for Multi-Entity Participation in Legalizing Rural Governance**

Despite the emphasis on promoting multi-entity participation in rural governance in recent years, in remote mountainous regions, governance primarily centers around township governments and village Party-building service centers, resulting in a dearth of elite talent. This deficiency significantly impedes the progress of legalizing rural governance in remote mountainous areas. Although policies support initiatives like the creation of the A County's Mei Tea brand in Hunan Province, with many young entrepreneurs returning, the involvement of non-governmental entities lacks clarity on how to engage, lacking proper channels. This leads to challenges in negotiating interests among various governance entities, hindering the activation and mobility of factors, thus failing to generate effective collaborative efforts. Consequently, rural legal governance faces marginalization. Hence, legalizing rural governance necessitates multi-entity participation to foster a new pattern of shared construction, governance, and benefits in rural governance and to establish a new model for legalizing rural governance.

## **5. Paths to Legalizing Rural Governance**

To further address the current characteristics and challenges of legalizing rural governance, it is crucial to focus on enhancing the supply of agricultural legal systems, emphasizing the status of village regulations and customary practices, strengthening rural public legal service systems, and innovating legal education forms. This will accelerate the pace of legalizing rural governance.

### **5.1. Strengthening Legal Systems in the Agricultural Field to Facilitate Industrial Development**

The prosperity of rural industries is fundamental to improving the living standards of rural residents. For industrial development, tailored and continuous planning is essential. For instance, in A County, the region's characteristic industry of berry tea has seen significant economic growth due to national policy support. However, insufficient protection for farmland leaves it vulnerable to natural disasters, leading to reduced income for farmers. Establishing a robust system for the permanent protection of basic farmland and reinforcing insurance coverage can elevate farmers' resilience in the agricultural industry.

Therefore, it is crucial to reinforce legal protections in key areas such as agricultural industrial development, land for cultivation, agricultural resources, and product quality. This optimization should improve the rural employment environment, safeguard farmers' legitimate rights, and incorporate protections for rural migrant workers into the legal framework for safeguarding the rights of farmers. [11]

### **5.2. Emphasizing the Status of Village Regulations and Customary Practices for Integrated Governance**

Formal norms possess coercive characteristics, while informal norms exhibit endogenous and spontaneous traits. Constructing an integrated rural governance system implies strengthening the linkage between these norms in practice, allowing them to function effectively in tandem.

In rural society, customs, traditions, and rituals hold significant importance, reflecting the region's ethnic culture and social life. Thus, the role of village regulations and customary practices is crucial.

Village regulations and customary practices, belonging to the realm of customary law, serve as societal contracts that, to a certain extent, guide local villagers' behavior. In A County, most disputes among villagers are often resolved through mediation based on local customs, utilizing specially appointed mediators comprising respected elders, retired party members, and women representatives. Balancing mandatory legal norms and customary law when handling disputes related to local customs enhances societal acceptance and legal flexibility, thereby adjusting rural social relationships, resolving civil disputes, and cultivating villagers' legal awareness.

Currently, in remote mountainous regions, there's a need to restructure village regulations and customary practices to genuinely meet the villagers' needs, thereby adjusting rural social relationships, mediating civil disputes, and nurturing villagers' legal concepts.

### **5.3. Strengthening the Rural Public Legal Service System to Establish Convenient Legal Service Platforms**

Firstly, improving the rural public legal service system is essential. Effective legal service provision is integral to fostering a robust legal culture. In remote mountainous areas, deficiencies in legal service provision, limited service scope, and inadequate implementation exist. Establishing a comprehensive public legal service system with detailed provisions for implementation, facility construction, service provision, responsible bodies, and oversight management will aid villages in formulating operational implementation guidelines tailored to their circumstances.

Secondly, constructing convenient public service platforms is crucial for resource allocation and utilization between urban and rural areas. For instance, in remote areas, efforts to introduce legal services to villages through Party-building studios that host legal service offices, establishing a system of on-duty lawyers in villages, and initiating initiatives like village-citizen lawyer helplines are necessary. Currently, the limited availability of public services leads to fewer interactions with lawyers. Local governments should collaborate with law firms, offering appropriate incentives to attract legal professionals to provide legal assistance, consultations, and more services within rural areas.

The success of rural legal services hinges on human resources. Addressing shortages and the low quality of public service personnel requires a multi-pronged approach: attracting talent back through service industries, introducing legal professionals into rural governance, and elevating the rural governance environment and legal culture. Moreover, fostering a cohort of educators adept in both agriculture and law and engaging them in cooperation with universities to build legal volunteer teams will strengthen rural legal services. For example, initiatives like Ji Shou University deploying excellent teachers and graduate student volunteers for six months to a year in rural areas alleviate talent shortages and indirectly enhance education standards, boosting the intrinsic dynamism of rural governance.

### **5.4. Innovating Forms of Rural Legal Education to Foster a Legal Atmosphere**

In addressing the persisting issue of weak legal consciousness among rural farmers in remote mountainous regions, constant efforts must be made to elevate the legal awareness of the rural populace. Therefore, propagating legal education as a fundamental long-term initiative in rural areas aims to resolve practical disputes closely linked to farmers' lives, such as land transmission, neighboring conflicts, and private lending.

#### **5.4.1. Broadening Channels for Multilateral Participation to Construct a Comprehensive Legal Education Framework**

The comprehensive framework for legal education involves integrating rural legal education into the

overall strategy of ruling the country by law and the nationwide legal education. It optimizes and integrates resources from various entities, fostering collaborative efforts among multiple departments and organizations, aiming to motivate and engage the masses actively. This framework integrates Party committees, governments, social organizations, and individuals into the legal education system. Collaborations with universities involve incorporating legal students and educators, significantly increasing public participation. For instance, Ji Shou University recruits student legal volunteers annually during summer break for legal education in rural areas, contributing to a conducive legal atmosphere. Similarly, the People's Procuratorates in Xiangxi Prefecture collaborate with the law faculty of Ji Shou University to engage legal professionals in activities like Legal Education in Schools and Legal Advocacy in Villages. For instance, the A County People's Procuratorate partners with law students to conduct multiple lectures aimed at nurturing minors' physical and mental well-being and educating them about the law.

#### 5.4.2. Exploring Diverse Forms of Legal Education

Innovative legal education approaches should cater to the rural population's receptivity. For example, in Hunan Province's Xiangxi Prefecture, leveraging cultural and tourism resources, initiatives like "Learning Law, Receiving Tickets" are deployed to ignite enthusiasm among the public for legal education. The People's Procuratorate in A County collaborates with various units, including the Judicial Bureau, Petition Bureau, and the social organization "Dawn Charity House," to introduce innovative legal education activities as part of the "Serving the Masses" series. Notably, the effectiveness of these activities is prominent during market events, where pamphlets are distributed and legal consultation numbers progressively rise. Through the establishment of the Qiming Studio online, over twenty short educational videos have been released, elucidating legal principles and encouraging a law-abiding mindset among farmers through both online and offline channels.

Additionally, Party-building service centers in villages regularly broadcast information on illegal activities and the penalties involved. The convergence of newspapers, radio, the internet, television, and mobile platforms explores novel approaches to legal education, addressing urgent concerns and cultivating legal consciousness and thinking among the populace.

## 6. Conclusion

Despite significant progress in various aspects of rural development due to the continuous advancement of the rural revitalization strategy, discrepancies in development across different regions persist. The crux of the problem in legalizing rural governance lies in the insufficient cultivation of legal culture and atmosphere in these regions. Issues such as low legal awareness among villagers and the need for further innovation in legal education methods underscore the need for grassroots cadres to ground themselves in rural realities. Employing diversified approaches to dispute resolution and innovating legal education methods will address the challenges arising from the weak foundation of rural legal governance. This will expedite the establishment of a legally governed countryside, safeguarding people's livelihoods and maintaining social stability, ultimately contributing to the modernization of national governance.

## References

- [1] Greg Stock, Huaxia Feng. "Governance as Theory: Five Arguments." *International Journal of Social Sciences (Chinese Edition)* 36.3 (2019): 23-32.
- [2] Jianrong Yu. "The Connection of Imperial Power, Clan Power, and Gentry Power in Rural Areas in the Late Qing Dynasty." *Exploration and Contention* (2003): 47-48.
- [3] Xiaoya Mei. "Practical Logic and Path Selection for Rural Governance in Ethnic Areas in the New Era." *Guizhou Ethnic Studies* 39.12 (2018): 42-47.

- [4] Communist Party of China Central Committee, State Council. "Opinions on Implementing the Rural Revitalization Strategy." *People's Daily*, 2018-02-05.
- [5] General Office of the Central Committee of the Communist Party of China, General Office of the State Council. "Guiding Opinions on Strengthening and Improving Rural Governance." *Public Bulletin of the State Council of the People's Republic of China*, 2019: 11-16.
- [6] Hongyuan Liu. "Research on Judicial Participation in the Governance of Ethnic Areas in Border Areas." *Guangxi University for Nationalities*, 2022.
- [7] Central Commission for Overall Law-Based Governance of the Country. "Opinions on Strengthening the Construction of Legal Rural Areas." *Yunnan Agriculture* (2020): 8.
- [8] Jianhua Xiang. "Research on the Path to Legalizing Rural Governance in Minority Areas." *Hubei University for Nationalities*, 2016.
- [9] Qingyu Meng, Yaohua Wang. "Textual Examination and Improvement of Local Legislation for Rural Revitalization." *Northern Methodology* 17.4 (2023): 138-150.
- [10] Li Yuan. "The Legal Logic and Implementation Path of Modernizing Rural Governance in China." *Journal of South-Central University for Nationalities (Humanities and Social Sciences Edition)*: 1-9.
- [11] Wanping Qin, Shiqi Wang. "Discussion on the Exploration Path of Multi-Subject Participation in the Legalization of Rural Governance in the New Era." *Journal of Guangxi University for Nationalities (Philosophy and Social Science Edition)* 41.3 (2019).