

# Democratic Implication in the Reform of Homestead System

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## Abstract

The reform of rural homestead system has a strong democratic connotation. The different stages of homestead system reform focus on the contradiction between man and land, the contradiction between individual and collective interests, the contradiction between the realization of two attributes in Homestead ownership and the contradiction between housing security and property rights. It respond to farmers' interest demands, highlight its substantive democratic element in safeguarding farmers' legitimate rights and interests, and highlight its procedural democratic element in the increasingly standardized management procedure of homestead application approval, Based on practice, carry out pilot and research to realize the unity of substantive democracy and procedural democracy.

## Keywords

Homestead System; Essence Democracy; Procedure Democratic.

## 1. Introduction

Democracy is an important part of the western discourse power. Because this concept has been registered by the West first, with the deepening of globalization and the prominence of the hypocrisy and deception of Western democracy, coupled with the abuse of the west, people's impression of democracy is becoming more and more negative, and even many people talk about it. However, the understanding of democracy can not stop at its manifestation and procedural democracy. We also need to go deep into its essence and explore the real substantive democracy. The content, foundation and value orientation of rural homestead system reform contain strong democratic color. Therefore, analyzing the Democratic meaning of homestead system reform is of great significance to understand the real democracy.

## 2. Substantial Democratic Elements Contained in the Reform of Homestead System

Socialist democracy with Chinese characteristics is different from western democracy. It focuses more on the realization of substantive democracy than formal procedural democracy. Democracy should be the satisfaction of people's interests and will. It is not any social system, but social phenomena, political ideas and behavioral motivation. The Democratic component of all forms of democracy is to enable public opinion to be more effectively reflected in the work of government administration. Therefore, in terms of its essence, substantive democracy is reflected in its emphasis on democracy based on humanism, that is, the government should think of the people, listen to the opinions of the people and serve the people; That is, no matter what kind of political system is adopted, the improvement of people's livelihood should be implemented in the end; That is, the people have a call and the government has a response. The reform of the homestead system focuses on the interests of farmers. The work deployment and arrangement for the reform of the homestead system also come from the people and are formulated and implemented for the interests of the people. Therefore, the content of the reform has the element of substantive democracy.

The transformation of the homestead system from "integration of two rights" to "separation of two rights" and then to "separation of three rights" is the result of the government's compliance with public opinion, focusing on the main contradictions of the people in different periods, aiming at safeguarding the interests of farmers and improving the basic living conditions and basic rights and interests of farmers. It is the true embodiment of the government's efforts to achieve substantive democracy.

### **2.1. Focus on the Contradiction between Man and Land and Safeguard the Interests of Farmers "Home Ownership and Land Ownership"**

In the first stage, the homestead system shows that the homestead and the houses built on the land are privately owned by farmers, and their ownership and use right are integrated into one and owned by farmers. At this stage, through land reform, the central government enabled the majority of middle and poor peasants to obtain land and stimulate their enthusiasm for work; By filling in and Issuing the land and real estate ownership certificate, we can maximize the protection of farmers' living rights. Therefore, it can be said that the homestead system of the combination of ownership and use right at that time was designed to protect the interests of farmers "home ownership and land ownership" in view of the main contradiction of highly tense human land relationship.

### **2.2. Coordinate the Contradiction between Individual and Collective Interests and Safeguard the Long-term Interests of Farmers**

In the second stage, the phenomenon of "acclimatization" appeared in New China, resulting in a considerable number of cooperatives not only failed to increase income and increase production, but reduced production and income. Under the pretext of building houses, some members arbitrarily expanded the courtyard walls, expanded the homestead, occupied the collective cultivated land, and infringed on the rights and interests of other members. During the period of contract linked to output, many places lacked comprehensive planning and necessary management for rural housing construction. Many places basically had no management over the land occupied by housing construction. The contradiction between people and land was further exacerbated. The phenomenon of indiscriminate occupation and abuse of cultivated land in rural housing construction and the establishment of social team enterprises was quite serious. At this stage, it has become an urgent problem to correctly deal with the relationship between individual and collective, the relationship between immediate interests and long-term interests, take the overall situation into account, safeguard collective interests, protect cultivated land and save land. In order to solve this problem, the central government put forward the separation of homestead ownership and use right. At this stage, the homestead system also shows that the ownership of homestead belongs to the production team, and farmers only enjoy the use right of homestead and the ownership of the houses built. In a word, the separation of ownership and use right of homestead at this stage is an institutional arrangement in response to the voice of farmers to standardize homestead management, maximize collective interests and safeguard personal interests.

### **2.3. To Alleviate the Contradiction between the Two Property Rights and Interests of Farmers**

The use right of homestead in the third stage contains the identity attribute, which hinders the flow of homestead and rural houses. Although China does not have any laws and policies that explicitly prohibit farmers' houses from trading beyond the scope of members of collective economic organizations, the second paragraph of Article 2 of the notice on strengthening the management of land transfer and prohibiting speculation in land issued by the general office of the State Council in 1999 only stipulates that farmers' houses cannot be sold to urban residents, in practice, it has always implemented the policy that farmers' houses can only be transferred

within the scope of collective economic organizations. The fundamental reason lies in the nature of the right to use homestead itself. Under the separation mode of homestead ownership and homestead use right, the homestead use right can only be enjoyed by the members of the collective economic organization. The right to use homestead not only has the attribute of property rights, but also extends the membership of collective economic organizations. This determines that no unit or individual other than the collective economic organization can enjoy the right to use the homestead. Although the house itself has independent ownership and the subject of house ownership itself is not limited, under the right structure of real estate integration, the transfer of rural house ownership will objectively lead to the transfer of homestead use right. If the non members of the collective economic organization can obtain the ownership of farmers' houses through the transfer, it means that the non members of the collective economic organization can obtain the right to use the homestead, which is inconsistent with the attribute of identity right contained in the right to use the homestead itself. Therefore, if we do not change the existing homestead right structure and continue to implement the homestead two right structure of collective ownership of homestead and villagers' use right, the homestead use right and house ownership on homestead cannot be transferred across collective economic organizations. In view of the main contradictions at this stage, the central government tries to make great efforts to effectively increase the control of homestead and farmers' housing construction, so as to safeguard the interests of farmers.

#### **2.4. Explore the "Separation of Three Rights" to Ensure the Qualification Rights of Farmers on Homestead and the Financial Rights of Farmers' Houses**

In 2018, the No. 1 central document, the opinions of the CPC Central Committee and the State Council on the implementation of the Rural Revitalization Strategy, proposed in "deepening the reform of the rural land system", exploring the "separation of three rights" of homestead ownership, qualification right and use right, implementing the collective ownership of homestead, ensuring the farmers' qualification right and farmers' housing property right in the homestead, and moderately liberalizing the homestead and farmers' housing use right. The right structure of homestead with "separation of three rights" can solve the obstacles of cross collective transfer of rural homestead and farmers' houses. The system design of "separation of three rights" of homestead ownership, qualification right and use right is just an effective system design to realize the stripping of homestead use identity attribute. In the land right structure of "separation of three rights" of homestead, the collective economic organization enjoys the homestead ownership, the members of the collective economic organization enjoy the homestead identity right, and the homestead use right restores the simple property right attribute. Under the structural system of "separation of three rights", the circulation of homestead and housing is only a simple transfer of property rights, which not only maintains the basic system of collective ownership of rural land, but also realizes the circulation of rural collective and farmers' land and housing within an appropriate range, which is of great significance to break the urban-rural dual land structure, promote the development of urban-rural integration, and promote the relative market-oriented circulation of farmers' land and housing property rights. The change of the homestead system from "separation of two rights" to "separation of three rights" at this stage focuses on the reality that the main problem has been transformed from how to protect housing to realize the property right attribute of homestead, and is designed to revitalize the use of idle homestead and improve farmers' property income.

To sum up, the content of each historical stage of the development of homestead system is based on the main contradictions in different periods, responding to the voice of farmers and safeguarding the practical interests of farmers. The content of system design is derived from

and settled in the people, so the specific content of its reform does have a strong substantive democratic meaning.

### **3. Procedural Democracy in the Reform of Homestead System**

Procedural democracy, also known as formal democracy, refers to the order, steps, methods and relevant institutional provisions in the process of realizing democracy. Procedural democracy emphasizes the process of political participation, realizes the goals and values pursued by substantive democracy through operable steps, sequences, time limits and methods, improves the implementation of the system, and finally plays a role in realizing the rights and interests of the people. Procedural justice is the guarantee of democratic entity and result justice. At present, there are prominent problems damaging the interests of the masses in some fields, many of which are caused by non-compliance with legal procedures or non-standard procedures. Only by standardizing administrative procedures according to law can we ensure the fairness of democratic entities and results with procedural justice. The reform of homestead system runs through the transformation process of homestead from strict management to standardized management. In this process, we can see the procedural democracy behind the continuous standardization of homestead application and approval procedures.

Before 1982, the normative requirements for Homestead Management under the homestead system were not clear, which led to the problem of chaotic management for a long time. With the gradual improvement of the economic situation, the phenomenon of "indiscriminate land occupation and housing construction" is particularly serious in rural areas. To this end, the central government changed the previous loose policy on homestead management and effectively strengthened the control of homestead and farmers' building.

In the current standardized homestead application and approval procedures, farmers have effective ways to express their interest demands; As a subordinate organization that collects and reflects the needs, opinions and suggestions of the villagers in the group to the superior, the villagers' group shall examine and approve the homestead application in accordance with the principle of democratic concentration, publicize the results, and accept the supervision of the masses and the superior government; Village level organizations supervise and review the work of villagers' groups and consult public opinion again; The superior government shall review and make decisions in accordance with the policies and regulations. In the whole process, the way of public opinion expression is smooth, the results are open and transparent, and the power is effectively supervised. In the process of homestead system reform, the increasingly standardized examination and approval management procedure is the embodiment of its pursuit of procedural democracy, which effectively ensures the effective realization of substantive democracy.

### **4. The Unity of Substantive Democracy and Procedural Democracy in the Reform of Homestead System**

In order to realize the unity of substantive democracy and procedural democracy and avoid the "mob politics" mentioned by Aristotle, we must realize that the obedience of the minority to the majority is a principle rather than the whole of democracy, and we also need to correctly deal with the relationship between "the minority to the majority" and "truth".

In order to make the homestead system represent the interests of the overwhelming majority of the people, its measurement lies not only in the proportion of quantity, but also in the quality to ensure that the will of the object maintained is the truth that conforms to the trend of historical development. This needs to be based on the practice of homestead, summarize the laws from the historical practice of homestead system reform, and grasp the people's will in

investigation and research. When the people's will conforms to the historical law and the development trend of the system, follow the procedure to make the people's will rise to the national will; When assisting each other, we should rely on the national coercive force, coordinate the overall situation, plan and implement reform policies that conform to the development trend.

In the process of homestead system reform, relevant governments actively carry out the pilot of homestead management and reform, accumulate experience, summarize laws, grasp the forward trend of homestead system reform, and scientifically practice and test the truth of relevant designs. Moreover, the agricultural and rural Bureau and the Ministry of natural resources actively carried out special surveys on the use of homestead and rural housing, and obtained farmers' cognition and reform expectations of the homestead system through questionnaires and interviews, so as to grasp the people's interest demands to the greatest extent. In the process of homestead system reform, pilot and research work based on practice ensures the balance between the will and truth of the majority to the greatest extent, and the broadest, most effective, truest and most effective democracy to the greatest extent.

## 5. Conclusion

In a word, from the perspective of democracy, we can see its scientificity and people-oriented value pursuit. The implementation and implementation of democracy in the reform of homestead system shows China's unique institutional advantages to a certain extent, which is of great significance.

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