

Investigation and Research on the Problem of Disorderly Land Acquisition in Rural Areas

--Taking Huai Shang District, Bengbu City as an Example

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Abstract

Land protection is the foundation of national food security and national security, but in recent years, the phenomenon of disorderly occupation of rural land still exists. Therefore, based on the investigation and analysis of the current situation of rural land in Huai Shang District of Bengbu City, this group will introduce the important concept of disorderly land occupation in the first part of the study, and then analyze the problem of disorderly land occupation in rural areas based on the investigation data. After summarizing the current situation and reasons, on the basis of the previous research, we will propose targeted countermeasures to improve the current situation of disorderly land occupation in rural areas, providing a reference for the current governance of disorderly land occupation and the protection of land safety.

Keywords

Huai Shang District Bengbu City, Rural, Disorderly Land Occupation, Land Protection.

1. Introduction

Food is related to the country's livelihood, and food security is an important foundation of national security. Food and land are closely related. General Secretary Xi Jinping has repeatedly emphasized that "land protection is a major issue concerning the 1.4 billion people's food and cannot tolerate any mistakes." With the development of China's economy and the acceleration of urbanization, the phenomenon of rural land occupation is still common. China's food security data in the past decade shows that the per capita arable land area has been declining year by year. Understanding the current situation of rural land and conducting an investigation and research on the problem of disorderly land acquisition in rural areas is of great significance for enhancing land protection awareness, changing the current situation of rural land, and ensuring national food security.

After fully understanding the concept of disorderly land occupation in rural areas, this article takes Huai Shang District of Bengbu City as an example to conduct an in-depth study on the problem of "disorderly land acquisition in rural areas". After investigating the current situation in the city through field surveys, questionnaire surveys, offline visits, and case analysis, we analyzed the current situation and characteristics of disorderly land acquisition in Huai Shang District, and analyzed the deep-seated governance issues reflected by the changes in rural land. On the basis of the previous research, we thought about how to further effectively curb the problem of land acquisition in rural areas. Although this study focuses on Huai Shang District of Bengbu City and has regional limitations, it still has some universality and reference value for land protection in the context of the national special campaign to rectify disorderly land acquisition.

2. Relevant Concepts of Rural Illegal Occupation of Cultivated Land

2.1. Cultivated Land

Cultivated land is one of the precious parts of natural resources that can be fully utilized by humans. The land that can form cultivated land needs to have corresponding natural conditions. In a broad sense, cultivated land generally has a slope of less than 25 degrees. According to the "Classification of Land Use Status" (GB/T2010-2017), cultivated land refers to land used for planting crops, including cultivated land, newly developed, re-cultivated, and improved land, leisure land (including fallow land and rotation land); land mainly used for planting crops (including vegetables), with sporadic fruit trees, mulberry trees, or other trees; and tidal flats that can guarantee a harvest season on average every year.

2.2. Protection of Cultivated Land

Protection of cultivated land mainly refers to the process in which government departments use legal, economic, administrative, technical and other means to protect the quantity and quality of cultivated land. Reasonable protection of cultivated land is mainly reflected in three aspects: quantity, quality and ecological environment. First, adhere to the national bottom line of 1.8 billion mu of national cultivated land established by the central government. Second, improve the quality of cultivated land as the ultimate goal of cultivated land protection, and protect the quality of cultivated land. Third, in accordance with the principle of "occupy as much as you develop," the unit or individual occupying cultivated land should undertake the responsibility of developing the same amount and quality of cultivated land as the cultivated land they occupy, thus protecting the cultivated land environment.

2.3. Overview of Natural Economy and Society in the Huai Shang Area

Huai Shang District, Bengbu City, Anhui Province is located on the north bank of the Huai River. It was established in March 2004 by the Huai Shang District Committee and Government of Bengbu City to lay out the framework for urban development and implement the development strategy of owning the river. It was approved by the State Council. The new district has undergone two adjustments to its administrative division and currently has 5 towns and 1 street, with a total population of 283,000 and an area of 412 square kilometers. It is the largest administrative district in the city. The natural ecological environment is good. Huai Shang District is adjacent to the Huai River in the south and is an important water source conservation area in Huai Shang District.

3. The current situation and characteristics of the illegal occupation of farmland in Huaishang District, Bengbu City

3.1. The evolution of the illegal occupation of farmland in rural areas of Huaishang District, Bengbu City

3.1.1. The first stage

The early stage of reform and opening up. China's farmland protection policy focused on protecting the quantity of farmland. In 1983, the No.1 document of the Central Committee clearly stated that "strict control of occupation of farmland" should be carried out. Under this background, it was inevitable to occupy some farmland to meet the needs of economic development and construction. The social and economic development level of the original Huaishang area of Bengbu City was relatively backward, the laws and regulations were not perfect, and the problem of illegal occupation of farmland was small in number, small in scale, and small in impact, and did not become the focus of government attention and work.

3.1.2. The second stage

The beginning of the 21st century. In order to promote grain production and increase farmers' income, the No.1 document of the CPC Central Committee from 2004 to 2007 clearly pointed out that "the quality of farmland should be continuously improved". At this stage, Huaishang District of Bengbu City, as a newly established administrative district, accompanied by the continuous development of social and economic development and the continuous improvement of the legal system, gradually became the focus of government work and social governance to rectify the illegal occupation of farmland, but the management was still in a chaotic state, and illegal acts were difficult to be corrected in a timely manner.

3.1.3. The third stage

Since the 18th National Congress of the Communist Party of China, the protection of farmland quality has been highly valued. The No.1 document of the CPC Central Committee from 2015 to 2018 has put forward specific requirements for farmland protection work many times, forcing governments at all levels to take measures to implement their farmland protection responsibilities. However, the formulation and implementation of goals cannot be seen clearly in the short term. During this period, farmland loss is serious and urgently needs to be controlled.

3.2. Current Status and Characteristics of Illegal Occupation of Cultivated Land in Huaishang District, Bengbu City

Illegal occupation of cultivated land refers to the illegal construction on cultivated land without obtaining legal and compliant approval procedures, which violates relevant laws and regulations such as the Land Management Law. Specifically, it is divided into the situation where farmers who have obtained legal approval procedures illegally occupy cultivated land to build buildings, other organizations or individuals illegally occupy cultivated land to build buildings, and exceed the approved area to build buildings. Such behavior is the most intuitive manifestation of the invasion and destruction of cultivated land, and it is also one of the direct indicators of the "non-agriculturalization" of cultivated land.

Since the reform and opening up, illegal occupation of cultivated land has been intermittently present in the land scope of Huaishang District, Bengbu City due to the continuous development of urbanization. Taking the "special action against illegal occupation of cultivated land in rural areas" currently being carried out as an example, in recent years, the approval of homesteads in rural areas of Huaishang District has been delayed, and a part of farmers have chosen to illegally build houses for their own old-fashioned or increasing family members. There are also quite a few farmers who are ignorant of the law and default on the assumption that the cultivated land assigned to them is completely owned by themselves, so they arbitrarily transfer it to other individuals or units for illegal construction. Whether for self-use or business transfer, these illegal constructions not only violate the law, but also may have significant safety risks as they often have not undergone safety assessments. When the country requires strict crackdowns on this phenomenon, the government will begin to clean up and rectify it. However, once the policy is relaxed, the region will fall into a "dead cycle" of illegal occupation of cultivated land.

3.3. Legal Basis for the Governance of Illegal Occupation of Cultivated Land in Huaishang District, Bengbu City

In daily law enforcement, the legal basis frequently used by Huaishang District in Bengbu City mainly includes the Criminal Law of the People's Republic of China, the Land Management Law of the People's Republic of China, the Administrative Punishment Law of the People's Republic of China, the Administrative Compulsory Law of the People's Republic of China, and the Implementation Regulations of the Land Management Law of the People's Republic of China,

which are also important criteria for law enforcement personnel to judge whether the land is illegally used. The revised Land Management Law in 2019 and the Implementation Regulations of the Land Management Law, which will be implemented from 2021, have raised the fine for damaging cultivated land from less than twice the cultivation cost to more than five times but less than ten times the cultivation cost, greatly enhancing the punishment power and reflecting the determination of the country to protect cultivated land and crack down on illegal construction on cultivated land.

4. Reasons and Improvement Measures for Disorderly Acquisition of Cultivated Land in Huaishang District, Bengbu City

4.1. Main Factors for Disorderly Acquisition of Cultivated Land in Huaishang District, Bengbu City

4.1.1. Weak Legal Awareness and Weak Main Body Consciousness of Farmers

Farmers in Huaishang District, Bengbu City generally regard cultivated land as a means of livelihood. When cultivating grain cannot guarantee their current economic standard of living, they are more willing to go out to work or convert cultivated land into other economic crops. This will lead to the existence of fallow land or "non-foodification". Most farmers do not regard themselves as the main body of cultivated land protection and lack the awareness of cultivated land protection. They subjectively believe that the protection of cultivated land has little to do with their own economic interests. The government also excessively uses administrative means to intervene in cultivated land protection work, which is related to its performance evaluation work, and does not increase publicity to enhance farmers' own awareness of cultivated land protection. If farmers do not have a strong sense of the main body of cultivated land protection, the subjective initiative of cultivated land protection will be insufficient, which will ultimately make it difficult to ensure the enthusiasm of farmers for cultivated land protection.

4.1.2. Weak Basic Law Enforcement Guarantee and Weak Subjective Initiative of Cultivated Land Protection

According to the current laws and regulations and division of labor, the functional department responsible for investigating and punishing illegal land use only has the power to make administrative penalty decisions for illegal land use, and gives the people's court the power to enforce compulsory measures for those who refuse to perform administrative penalty decisions. According to the work rules for investigating and punishing illegal land use, if the parties do not apply for administrative reconsideration or file an administrative lawsuit within the statutory time limit and do not perform the administrative penalty decision, the land and resources competent department can apply to the people's court for compulsory execution within three months from the expiration of the time limit. Taking the construction of houses on illegally occupied cultivated land as an example, the illegal act of building houses on illegally occupied cultivated land must be submitted to the court for compulsory execution three months after the administrative penalty decision is made. The land law enforcement department has made administrative penalty decisions according to law, but in actual enforcement, except for fines that can be supervised or enforced by means, other items such as rectification and governance within a time limit, restoration of original planting conditions, and land return are difficult to implement, and ultimately can only be transferred to the court for handling. Grass-roots courts, for various practical reasons, often make judgments that are not enforceable. As a result, more and more villagers mistakenly believe that even if they occupy cultivated land to build houses, as long as the house is built, it will not be demolished, but only needs to pay some fines. This undoubtedly increases the difficulty of law enforcement and makes it difficult to achieve a deterrent effect on illegal acts.

4.1.3. Weakness of the Social Supervision System and Weak Supervision of the Disorderly Acquisition of Cultivated Land

Disorderly acquisition of cultivated land is essentially a type of illegal land use. In the process of investigating and handling illegal land use, there has always been a problem of difficulty in implementation. Although China has clear regulations on illegal occupation of cultivated land in current laws and regulations, in the process of investigating and handling land use cases, the responsibility of the checking and control subject is intertwined, which makes it difficult to effectively stop illegal land use. In rural China, the Land Management Law gives village collectives the responsibility for rural land management, but in reality, local governments force land management, rural villagers trade privately, village collective homestead ownership is vacant, village cadres do not take action, village-level organizations cannot play a controlling role, and the protection main body management is vacant, which restricts the development of village construction.

4.2. Rural Land Misappropriation in Huaishang District, Bengbu City: Targeted Measures

4.2.1. Vigorously promote legal awareness and enhance farmers' awareness of legal land use

The subjective reason for the misappropriation of arable land is that the legal awareness of the rural population is weak and they have only a partial understanding of land management laws and policies, leading to misappropriation of arable land. Therefore, it is very necessary to strengthen legal education and publicity for the rural population. The publicity subject can use television, radio, banners and other channels to widely publicize land-related laws and policies, and incorporate them into the annual assessment of each village, to increase the initiative of the village to lead the villagers to learn about the law and protect arable land, create a good social atmosphere of learning about the law, protecting arable land, and use vivid examples of negative typical cases to educate the public about the specific punishment measures for occupying arable land, so that villagers can clearly understand their responsibilities for protecting arable land.

4.2.2. Improve grassroots law enforcement guarantee and enhance the subjective driving force of arable land protection

In 2019, the "Land Management Law" and the "Implementation Regulations of the Land Management Law" were once again revised, and for local practical considerations, limiting words were used for the provisions, such as "slight circumstances" and other interval concept limiting words. In practical work, law enforcement departments are too cautious and self-contained, so these limiting words should be further refined in the detailed implementation rules or discretionary power for specific situations, the judicial department should provide timely guidance, and the enforcement efficiency and actual operability should be improved. It is also necessary to strengthen the responsibility of the village-level arable land protection subject in order to promptly detect and effectively prevent the misappropriation of arable land. For example, establish an evaluation and competition system, incorporate the rectification and containment of new misappropriation of arable land for building into the annual assessment and competition of each village, link bonuses, evaluation, and priority qualifications with outstanding performance groups, and promptly interview those with slow progress in rectification and ineffective control, hold accountable those responsible for serious cases, clarify the responsible subject for protecting arable land, and increase the awareness of arable land protection of village-level collective economic organizations, driving orderly and healthy development of villagers from top to bottom, creating a good social atmosphere of "protecting arable land, everyone's responsibility", and effectively containing the new misappropriation of arable land for building.

Collaborative governance is the responsibility of the government, as well as the responsibility of enterprises, social organizations, village (neighborhood) committees, farmers, arable land contractors and other arable land operators, and other individuals. In order to avoid the phenomenon of inaction and arbitrary action, a list of rights and responsibilities must be established to improve the joint responsibility system for land law enforcement supervision. Establish a joint investigation and punishment mechanism with the discipline inspection and supervision, courts, procuratorates, and public security organs, clarify the time concept, promptly notify departments that have not handled the case beyond the time limit, urge them to handle and adjudicate the case in a timely manner, and improve the efficiency of joint law enforcement. It is also necessary to establish and improve a dynamic supervision network system, to form a dynamic supervision mechanism of "city-district-town-village" with the block as the main unit and the block and strip combined, to detect and rectify in a timely manner; to clarify the rights and responsibilities of each functional department, to determine the implementation personnel for each department's functional work, to subdivide the responsibilities to each working personnel, so that each working personnel can clearly understand their own unit and their own rights and responsibilities.

5. Conclusion

The rectification of rural land misappropriation is a difficult point in current rural management work, and it is of strategic significance for economic and social development, land safety, and even national security. This article analyzes the main problems in the governance of misappropriation of arable land in Huaishang District, Bengbu City, and proposes corresponding countermeasures. This article mainly does some research on the phenomenon of rural land misappropriation in Huaishang District, Bengbu City, and its governance, due to insufficient knowledge and theoretical level, perhaps did not integrate the relevant theoretical knowledge, or perhaps did not deeply research some of the proposed suggestions. For the measures to refine the misappropriation of rural arable land, further thinking and demonstration are needed, which require the team members to carry out more in-depth exploration in future learning and practice.

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