

Optimization strategies for the revitalization of the rule of law from the perspective of the Law on Promotion of Rural Revitalization

Xin Xia

School of Law, Anhui University of Finance & Economics, Bengbu Anhui 233030, China.

Abstract

The purpose of this paper is to explore the mechanism of the Law of the People's Republic of China on the Promotion of Rural Revitalization (hereinafter referred to as the Law on the Promotion of Rural Revitalization) in promoting rural revitalization, as well as the optimization strategy of rural revitalization in terms of the rule of law. The study points out that the Rural Revitalization Promotion Law, as a promotion law with soft law characteristics, mobilizes the enthusiasm of all parties through incentive provisions and policy resource allocation, legalizes rural revitalization policies, and provides a rule of law framework for realizing common prosperity. The article analyzes the role of the law in strengthening the participation of all parties and improving the working mechanism, while identifying the current dilemmas of the rule of law in rural revitalization, including the problems of an inadequate legal system, insufficient legal attention by grass-roots cadres, and weak legal awareness among villagers. In order to optimize the revitalization of the rule of law, strategies are proposed to strengthen the articulation and refinement of legal norms, improve the level of villagers' self-governance, perfect the mechanism of law enforcement in villages and optimize the rural legal service system.

Keywords

Law on Promoting Rural Revitalization, Rule of Law Revitalization, Common Wealth, Rule of Law at the Grassroots Level, Villagers' Autonomy.

1. Nature of the Rural Revitalization Promotion Act

1.1. Promotional law with soft law features

Soft law is a concept corresponding to hard law, which means that the effectiveness is not guaranteed by the state coercive force, but through self-regulation, incentives and other non-compulsory means to achieve the desired purpose⁰. The Law on Promotion of Rural Revitalization, as an overarching legal document in the field of "three rural areas" in China, has distinctive soft law features, most of which focus on incentives, mobilizing the enthusiasm of all parties through the allocation of policy resources. The law also implements incentives through the implementation of positive behavioral patterns such as rewards, subsidies, honors, etc. For example, Article 11, paragraph 2 of the Rural Revitalization Promotion Law: "Units and individuals who have made remarkable achievements in the promotion of rural revitalization shall be given commendations and rewards in accordance with the relevant provisions of the State". This is the case. Normative terms appear intensively, while regulatory terms are rare, demonstrating a distinctly flexible coloring and a weaker disciplinary style.

1.2. It is the legalization of rural revitalization policies

Policies are the preliminary manifestation of laws, and laws are the inevitable result of the development process of policies, and the Law on Promoting Rural Revitalization, as an

incentive-type legislation, is in a state between policies and complete laws, which transforms the Party Central Committee's major decision-making and deployment of rural revitalization into specific legal norms through the form of laws, and together with the No. 1 Document of the Party Central Committee, the Strategic Plan for Rural Revitalization, and the Regulations on the Rural Work of the Communist Party of China, constitute the "four pillars" for the implementation of the strategy of rural revitalization. Together with the No. 1 Document of the CPC Central Committee, the Strategic Plan for Rural Revitalization, and the Regulations on Rural Work of the CPC, it constitutes the "four pillars and eight pillars"[2]. This transformation of policy into law not only reflects the importance the state attaches to the strategic plan for rural revitalization, but also provides a solid legal foundation and a clear guide to action for the future development of rural revitalization.

1.3. A fundamental law for the realization of the common prosperity of all people

The introduction of the Law on Promoting Rural Revitalization marks a new stage of development in the implementation of China's rural revitalization strategy, which specifies the general requirements, principles, objectives, measures, organization and supervision of rural revitalization, covering a wide range of aspects such as industrial development, talent support, cultural prosperity and ecological protection. As early as the Strategic Plan for Rural Revitalization (2018-2022), it was proposed that "the implementation of the strategy of rural revitalization is an inevitable choice for realizing the common prosperity of all people." And the introduction of the Law on Promoting Rural Revitalization in 2021 provides the most basic framework of the rule of law for advancing Chinese-style modernization and the realization of the goal of common prosperity, and lays a solid legal foundation for achieving the goal of common prosperity. It is not only an important legal guarantee for advancing Chinese-style modernization, but also a fundamental law for realizing the common wealth of all people.

2. Mechanisms of the Rural Revitalization Promotion Law to promote revitalization

2.1. Strengthening the participation of all actors

Rural revitalization is a big project, relying on the strength of one party alone cannot achieve the expected results, so it needs the joint participation of all parties, which is well reflected in the Rural Revitalization Promotion Law. The law establishes a governance system^[3] composed of multiple subjects such as the party committee government, industrial and commercial enterprises, social organizations as well as the public based on the common goal of rural social governance in the form of participation, consultation, cooperation and other forms of interaction. Among them, the party government plays the role of leadership and coordination, providing policy support and direction guidance for rural revitalization. Industrial and commercial enterprises inject vitality into the rural economy by investing and exploring markets, driving farmers to increase their incomes and upgrading their industries. Social organizations enhance the cohesion of rural people and promote the harmonious and stable development of the countryside through the provision of education, culture, health and other services. The Rural Revitalization Promotion Law also vigorously protects the rights and interests of farmers and enhances their enthusiasm and participation, so that farmers can truly become the greatest beneficiaries of the rural revitalization strategy.

2.2. Improving the working mechanism for rural revitalization

The content of the law is not only promotional legislation, containing many advocacy provisions, but also has a certain degree of constraint, which is manifested in the fact that the law clarifies the scope of responsibilities of all levels of government in rural construction, especially those

above the county level, and establishes a mechanism for co-construction and co-management in the governance of rural human settlements in which the government, village-level organizations, enterprises and farmers are jointly involved^[4]. Through these mechanisms, the law strengthens the responsibilities of governments at all levels in rural revitalization, ensures the continuity and stability of policies, and also provides a guide to action and a legal basis for all aspects of society to participate in rural revitalization.

3. Rule of law dilemmas of the rural revitalization strategy

3.1. The legal system for rural revitalization is not yet sound

In the current construction of the legal system for rural revitalization, there is a notable problem in that the existing legal framework is lacking in specificity and pertinence. The only law in force in China that addresses the rural revitalization strategy is the Rural Revitalization Promotion Law. On the one hand, the Rural Revitalization Promotion Law, as a guiding law for the rural revitalization strategy, has a framework and general character, with broader provisions and a lack of specificity. This leads to the fact that in the process of implementation, the strength and effectiveness of the law is affected by the lack of clear operational rules and supporting measures. For example, the law has only general provisions or specific articles on land management, agriculture, and specialized farmers' cooperatives, etc., and the response to specific issues still relies on the implementation of laws and regulations such as the Land Management Law, the Agriculture Law, and the Law on Specialized Farmers' Cooperatives. On the other hand, due to the broad and directive nature of the content of the law, it is not very targeted to individual regions. The Law on Promotion of Rural Revitalization needs to be formulated based on its universality to the whole picture of the strategy, but as all aspects of development will vary from region to region, it results in the current law being insufficiently operational at the local level. This not only affects the effectiveness of the implementation of the strategy, but also the continuity and consistency of the revitalization policy.

3.2. Lack of attention to the law by grass-roots cadres

At present, grass-roots cadres in the governance process there is an obvious thinking bias, namely "heavy policy, light law" inertia thinking^[5]. Policies, often for a specific period of time, a specific region, a specific problem and the development of a targeted and period characteristics, can be quickly mobilized resources in the short term. The law has predictability and stability, the process of developing more rigorous consideration and strict procedures, the need for comprehensive consideration of the overall interests of society and long-term development, more generally binding. For a long time, most of the strategy to use policy to promote the progress of various affairs, which can quickly gather financial and material resources, but also make the grass-roots cadres have developed a policy-oriented inertia. This tendency affects the implementation and improvement of the law and restricts the rule of law process in rural governance.

3.3. Villagers' legal awareness is weak

At present, there are many problems with the rule of law system at the grass-roots level in China, such as the fact that legal education has not been comprehensively, thoroughly and effectively implemented in the vast rural areas, resulting in the fact that many rural areas are still "dead zones" in terms of the law. In some remote villages, villagers have long been influenced by traditional concepts and local customs, and are accustomed to resolving conflicts and disputes in non-legal ways, such as relying on the mediation of family elders, following the customary practices of the people of the village, and even engaging in inappropriate behaviors, such as verbal disputes and clashes of force. Moreover, most of the rural areas have backward economic

development and villagers' education level is not high, and this relative economic and educational lag further aggravates the villagers' weak awareness of the law.

4. Optimization strategies

4.1. Strengthening the articulation and refinement of legal norms

The Law on the Promotion of Rural Revitalization, as the first law in China to be named "rural revitalization", marks a new stage in the legalization of rural revitalization. At present, however, this area of law is still in its infancy, with macro and guiding characteristics, and in terms of the implementation of specific behaviors, it is far from enough to have only general provisions or specific clauses, and the response to other specific issues needs to rely on the implementation of laws and regulations such as the Land Management Law and the Agricultural Law. For example, article 12 of the Law on Promoting Rural Revitalization proposes that the State should improve the system of collective property rights in rural areas, and specific measures need to be articulated and followed up by the Law of the People's Republic of China on Rural Collective Economic Organizations.

In addition, attention should also be paid to local legislation to ensure that local laws and regulations supporting the rural revitalization strategy are always within the legal framework established by the Rural Revitalization Promotion Law. Local legislation not only needs to transform the principles and systems in the law into operable, assessable and implementable institutional measures, but also needs to take into account the actual situation of the localities, and formulate local laws and regulations on rural revitalization with local characteristics according to local conditions.

4.2. Improving the level of villagers' autonomy

Article 42 of the Law on Promotion of Rural Revitalization clearly states that villagers' autonomy should be safeguarded. As the core force in promoting the rural revitalization strategy, villagers are not only the key participants in the implementation of the strategy, but also the greatest beneficiaries of the results. Given that the countryside is naturally territorial and local, villagers are the group most directly in touch with the local situation, and their life experience has an irreplaceable role in local development^[6]. The main institution of villagers' self-governance is the villagers' committee, which must strictly follow the provisions of the Constitution and the Organic Law of the Villagers' Committees of the People's Republic of China in the process of its operation to ensure the legitimacy and effectiveness of self-governance activities. The villagers' committees must also formulate and improve the village rules and regulations to ensure that there are rules to follow in the process of villagers' self-governance. At the same time, the township government should play an auxiliary rather than a leading role in the process of villagers' self-governance, avoiding excessive intervention, in order to safeguard the integrity and independence of villagers' self-governance in the process.

4.3. Improving rural law enforcement mechanisms

The life of the law lies in its implementation, and the effective implementation of the law depends to a large extent on the effectiveness of law enforcement by front-line law enforcement officials. Therefore, in order to ensure the smooth progress of the strategic plan, it is necessary to establish a complete law enforcement mechanism, that is, to promote the reform of administrative law enforcement in villages. The first step is to clarify the division of powers and responsibilities of law enforcement subjects, establish a law enforcement system with the township party committee government as the core, and emphasize the legal duties of the grassroots government. The division of powers and responsibilities is the cornerstone of the law enforcement system, which requires us to define the duties and rights of law enforcement agencies in detail, so as to provide clear guidance for law enforcement activities. At the same

time, it is also necessary to refine the law enforcement process and set clear punishment standards to provide safeguards against abuse of power and unfair law enforcement, which together constitute the framework for fair law enforcement.

Within this framework, systematic training for front-line law enforcement officers is particularly important. It is only through systematic training that the awareness of the rule of law and the professionalism of law enforcement officials can be raised. Once the awareness and quality of front-line law enforcement officers have been raised, they will be able to carry out their duties in accordance with the law, regulations and justice in the complex environment of rural governance. Such training should become part of the law enforcement mechanism, which should be continuously updated and improved in order to adapt to the changing legal environment and the needs of rural governance.

4.4. Optimizing the rural legal service system

As the level of education in most villages is relatively backward, the low legal awareness of villagers has become a major problem in the process of the rule of law in villages, and it is therefore necessary to provide a high-quality legal service system to enhance the legal awareness of the population. One of these is to strengthen the construction of physical platforms for public legal services at the village level, equip them with legal advisors and people's mediators, and establish a three-tier public legal service system for counties, townships and villages to ensure that the law covers every dead-end area. In this regard, Meitan County provides a vivid example, which has achieved full coverage of legal advisors in villages (communities) through the construction of county public legal service centers and service stations in towns (streets), providing great convenience for villagers' rule of law life. Secondly, each rural area should formulate relevant measures for the introduction and cultivation of legal service talents, externally to encourage legal professionals to sink into the countryside, and internally to cultivate local legal talents, a two-pronged approach to grow the legal service team, and strive to cultivate "people who understand the law" and "people who take the lead in the law". "The most basic thing is to strengthen the legal service team. At the same time, the most basic thing is to strengthen the rule of law publicity and education for rural residents, through various channels to strengthen the publicity of legal services, so as to enhance the villagers' awareness of the use of the law, and can choose the relevant channels to obtain legal services in case of need.

Acknowledgements

This work is supported by Innovation and Entrepreneurship Training Project for College Students of Anhui University of Finance and Economics in 2023, Project number: 202310378271.

References

- [1] Luo Haocai, Song Gongde. Taking Soft Law Seriously - General Theory of Soft Law in the Public Domain and Its Practice in China[J]. Chinese Jurisprudence, 2006, (02): 3-24. DOI: 10.14111/j.cnki.zgfx.2006.02.001.
- [2] Wang Yang. A deep understanding of the strategic significance of rural revitalization from the "Five Comprehensives"[J]. China National People's Congress, 2022, (10): 1.
- [3] Song Caifa. The Rural Revitalization Promotion Law is a fundamental law for realizing the common prosperity of all people[J]. Journal of Hebei University (Philosophy and Social Science Edition), 2024, 49(02): 114-124.
- [4] Comprehensive promotion of rural revitalization has a permanent institutional guarantee[J]. China Agricultural Reclamation, 2021, (06): 6-7.

- [5] Jing Yuexin. The dimension of rule of law and its unfolding in rural revitalization[J]. Dongyue Lunshong, 2023,44(08):92-100.
- [6] Zhang Ni. Optimization of villagers' self-governance under the perspective of Rural Revitalization Promotion Law[J]. Journal of Heilongjiang Province Political and Legal Management Cadre College, 2023,(02):20-23.
- [7] Chen Canqi,Peng Yuan. Legal Incentives for Rural Revitalization: Concept Establishment, Text Review and Mechanism Innovation[J]. China Rural Observation,2024,(04):24-46.