

Original Paper

Analysis of the Problems and Countermeasures in the Transfer of Land Management Rights in Taixing City, Jiangsu Province

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Abstract

The focus of farmers' work is on land. In order to promote the rural economy and help farmers lift themselves out of poverty and become prosperous, the government has introduced a series of support policies, including land contracting, which involves contracting rural land and promoting large-scale development. Since the second round of land contracting, grassroots management departments have increasingly standardized land transfer management. The legal concept of land transfer for land contracting and management entities is gradually improving. However, there are deficiencies in land transfer, contract regulations, and transfer supervision, especially in rural areas where private verbal agreements for transfer and transfer without registration are common, as loopholes in some processes result in the inability to guarantee the interests of farmers. In the process of promoting the transformation of agriculture, it is necessary to carry out the transfer of agricultural land. This measure can make agriculture more modular and is a specific measure and practical necessity to achieve professional management. Standardizing and orderly rural land transfer and continuously strengthening land supervision are directly related to the transformation, upgrading, and high-quality development of agriculture in the future.

The article conducts research on the transfer of agricultural land in Taixing City. By collecting data and conducting on-site research, it summarizes the development stage and characteristics of agricultural land transfer work: fast growth rate, wide area; The scale of agricultural land transfer is rapidly expanding and growing; The process is not standardized, and the existing process is difficult to fully cover the work. There are still non-standard situations such as private circulation and verbal agreements.

Keywords

Land management rights transfer, Management, Land policy, Countermeasure analysis

1. Introduction

As a major agricultural and populous country, China has always regarded land as the foundation of its country, and its biggest problem is the issue of farmers. The direction of rural land system reform is the "separation of three rights", which is to adhere to the collective ownership of rural land, protect farmers' land contracting rights, accelerate the release of land management rights, and actively and steadily promote the orderly transfer of rural land management rights. It is an effective path to promote moderate scale operation of agriculture, improve agricultural competitiveness, and develop modern agriculture. In recent years, Taixing City has introduced a series of policy measures to promote rural land transfer, and the pace of rural land transfer has significantly accelerated. However, there are still many prominent issues in the transfer of rural land management rights, which seriously hinder the modernization process of agriculture in Taixing City and become an important constraint factor affecting the development of agriculture and rural economy in Taixing City. Provide reference for the healthy development of agriculture and rural economy in Taixing City, summarize the current situation of rural land management rights transfer in Taixing City, analyze existing problems, and propose improvement strategies.

2. Theoretical Basis

2.1 Land Property Rights Theory

The theory of land property rights is an academic system formed through learning, research, and summarization, which includes multiple modules and was ultimately organized and formed by Marx. It not only played an enlightening role in the reform of China's agricultural land property rights system, but also played a leading role. The theory of property rights includes aspects such as rules and regulations, power, and distribution. And we have studied the changes in the subject of property rights, such as division and combination, and transactions, which have promoted the development of China's land property rights system. The property rights of land actually include not only the right to operate, but also the collective term for all rights, similar to houses, including income, circulation, management, etc. The main purpose is to make reasonable use of them. Marx has discussed the property rights of agricultural land in many works. Equating land with the total amount of material in nature. In Marxist theory, in the process of developing and utilizing land, only the means of labor are directly accessible to the workers, and the land is provided with all labor requirements required by the original workers. The ownership of the land belongs to its owner, including leasing, disposal, etc., and there is no longer any ownership relationship with others, Ultimate ownership of land In Marx's overview, the land of generals and soldiers, as an appendage, gives its owner ownership, including income and disposal. The owner can exercise absolute control over it without interference, and no one is allowed to occupy it. It also requires that its ownership be recognized by society. There are also some monopolistic desires and behaviors, and no one is allowed to touch it during the monopoly process. Land not only brings economic benefits to its owner, but also demands that its ownership be recognized by society Managed

by legal partners. Take fundamental possession of the land, turn oneself into the owner of the land, and possess the power of pairing. These powers are not fictitious, but tangible. The acquisition of land ownership depends on specific economic activities and is based on legal protection.

2.2 Marxist Land Rent Theory

The theory of land rent is an important theory in the classical political and economic field. Its early theoretical foundation was mercantilism and agriculturalism, which gradually developed in 1650. The Marxist theory of land rent is a unity of many theories. It integrates multiple theories of land rent, but mainly focuses on the economic field, which is gradually formed by scholars in the process of inheritance and revision.

Marx conducted a detailed analysis and explanation of land rent, mainly including the reasons, conditions for generating land rent, and sources. The analysis was mainly based on capital and agricultural land rent. In Marx's explanation of land rent, it is pointed out that it is an economic compensation paid by the user to the owner, mainly to achieve the purpose of using land. There are certain rules for determining the amount of land rent, which is a differential value compared to the average profit. Property monopoly has derived capitalism. People who own land ownership can monopolize and increase the value of the land.

The owner of land ownership can obtain compensation for the transfer of land, which is called land rent. Land rent has various forms of expression, mainly other forms of land ownership, and is a means to compensate for the land owner, mainly targeting the land owner.

In capitalist theory, there are different classifications of land rent, and the difference in differential land rent is based on the production subject. The value created by individuals and society using land for production activities is different, and the difference in prices obtained from production between the two is called land rent. Land is an occupation for its owners, who use it for various production activities, and there is also some social production during the production process. There is an economic gap between land products and social production, resulting in absolute land rent. Agricultural products have suitable land properties, and when a certain resource is scarce, it will form a monopoly, which is also the case with land, when farmers create monopolistic results through scarce land resources, their products become highly competitive and have a significant price advantage, thus obtaining monopolistic land rent.

3. Current Situation of Land Management Rights Transfer in Taixing City, Jiangsu Province

3.1 Basic Overview of Taixing City

Taixing City is located in the central part of Jiangsu Province, on the north bank of the lower reaches of the Yangtze River. 31 °58'12 " ~ 32 °23'05" north latitude and 119 °54'05 " ~ 120 °21'56" east longitude are cities under the jurisdiction of Taizhou City, Jiangsu Province. They are one of the three pilot counties directly under the jurisdiction of Jiangsu Province and enjoy some prefecture level city powers. To the east is Rugao City; To the south is Jingjiang City; To the west is the Yangtze River, facing

Yangzhong City and Xinbei District of Changzhou City across the river; To the north is Jiangyan District, Taizhou City, and to the northeast is Hai'an County, Nantong City; The northwest is adjacent to Gaogang District of Taizhou City. The land in Taixing is fertile, with a suitable cultivated area of 1 million mu. The soil fertility in the city is relatively high, and the effective soil layer is deep. Taixing is rich in water sources, with a dense water network and crisscrossing rivers. Five great rivers run from east to west; Seven major rivers connect the north and south, with one large water pumping station with a flow rate of 50 cubic meters per second and over 2000 electric irrigation stations, making it convenient for agricultural water irrigation and drainage. Taixing has superior thermal conditions. Located in the northern subtropical zone, it has a marine climate with distinct four seasons, mild climate, and a long frost free period. The annual average temperature is 15 degrees Celsius, and the annual average frost-free period is 221 days. Taixing has abundant rainfall and ample sunshine. The average annual rainfall is 1034.8mm, with 59% of years exceeding 1000mm in over thirty years. The annual relative temperature is 80%, and the sunshine duration is 2169.7 hours. A good ecological environment has created extremely favorable conditions for Taixing's agriculture to produce famous products, increase yield, and increase profits.

3.2 Overview of Rural Land Transfer in Taixing City

At present, the land area transferred in Taixing City is 800300 acres. Accounting for 50.33% of the household contracted arable land area, including 170400 acres of village level management. The city has established 23 township agricultural service companies, 468 village agricultural service companies, 1409 family farms, 1924 farmer professional cooperatives, and 92 other agricultural business entities, laying a solid foundation for the development of large-scale operation. At the same time, actively exploring various forms of business models such as "village collective direct operation", "collective economic organizations+professional cooperatives+farmers", "village collective+land stock cooperatives+leading enterprises" in the circulation, significantly enhancing business capabilities. The quality of business projects has significantly improved. Huangqiao and other towns are vigorously developing understory planting of Chinese herbal medicine, achieving new breakthroughs in understory planting in the Ginkgo biloba area; Develop rice shrimp mixed culture, rice duck mixed culture, and garlic rice rotation in garlic planting areas such as boundaries; Xuan bao and other integrated planting and breeding projects have fully played their roles in driving employment and promoting village collective income growth. Carry out rural collective asset inventory and capital verification "looking back". Organize a joint inspection team to carry out special inspections, complete the self inspection and rectification work of asset clearance and capital verification, and organize third-party high standard completion of asset clearance and capital verification acceptance work. The definition of members of collective economic organizations has been fully completed. 490 villages (neighborhoods) have completed the definition of members of rural collective economic organizations, with a defined membership of 1.6068 million; All rural collective economic organizations have been established, and the establishment of stock economic cooperatives has been fully completed. The work of assigning

codes and issuing certificates for collective economic organizations and printing stock certificates has also begun.

We conducted a detailed and thorough investigation of the population renting land, inquired about the reasons why they did not cultivate land, and after statistical analysis, we found that. 30% of people give up farming due to their family's labor force working in other places, 40% of people believe that planting crops brings too little economic return and give up farming, and 40% of people give up farming because they don't have enough labor at home and need physical strength to do so. Under the guidance of national policies, 70% of people transfer their land use rights through formal processes, while 30% of people transfer their land use rights through village level collective economic collectives; The majority of contract terms are between 15 and 30 years. The implementation of the new national policies inevitably leads to some disputes caused by some farmers' temporary lack of understanding, in which 90% of people choose the village committee to help negotiate. One-third of the people chose to resolve it privately. Among them, 70% of people say they can choose what crops to plant on their own, but also 30% of farmers say that sometimes they need to listen to the government's advice on what to plant, and their options are limited.

3.3 Main Measures for the Management of Land Management Rights Transfer in Taixing City

3.3.1 Conduct Land Ownership Confirmation

One is beneficial for increasing property income. Farmers can operate their land within their own capabilities. If they do not have the time, energy, or labor to cultivate their land, they can transfer the land use rights and entrust the land to some contractors, such as some farmers' cooperatives or large-scale production households, with clear certificates issued by the state. This avoids the idle land, increases farmers' income, and improves the efficiency of land use. In addition, the contractor's management of the land prevents nutrient loss, waste, and weeds from growing, highlighting the contracting value of the land and ensuring the property rights of farmers.

Secondly, it is conducive to promoting the transfer of rural land. The land has been confirmed for ownership. Property rights are clearer, responsibilities are clearer, and unnecessary land disputes are avoided. When farmers' concerns are resolved, they will actively participate in the transfer of rural land.

Thirdly, when farmers make payments for goods, they can mortgage their land use rights.

In the past, many farmers who wanted payment often failed because they could not mortgage the corresponding value of the goods.

However, after clarifying the property rights of the land this time, according to relevant policies, farmers can use their own land property rights as collateral.

The fourth is to reduce disputes among farmers over land. The times are advancing, and rural areas are also constantly developing. The population in rural areas is gradually increasing, and land has become valuable. Clarifying the "four directions" can solve some disputes arising from land use and make the relationship between farmers more harmonious.

3.3.2 Establishing a Property Rights Trading Platform to Improve the Land Property Rights Transfer Market

Taixing City established the Rural Property Rights Trading Center as early as 14 years ago. The purpose of this property rights trading center is to further promote the standardization and proceduralization of land transfer. After its establishment, the development speed of this trading center is very fast, and currently it has basically covered urban and rural areas.

At the end of June 2019, 25 towns (districts, streets) put in video surveillance equipment again. Since the establishment of the property rights trading market, it has accelerated the process of rural land transfer, making it more efficient, convenient, and standardized. Since its establishment, the transactions on this platform have reached nearly 4.7 billion yuan. From 2016 to 2018, Taixing City won the honor of exemplary organization in property rights transaction for three consecutive years. Through the land property rights trading platform, farmers' land transfer is more convenient. After confirming the registration of land rights and clarifying the relationship between land management rights and property rights, farmers' labor enthusiasm is also improved, and they are more confident in increasing effective investment. They establish long-term land cultivation plans, protect the geological quantity, and the deepening of land transfer marketization also promotes the rational allocation of resources, making it easier to form large-scale land contracting and management. Effectively improving the level of information management in rural areas has played a role in restricting and rectifying illegal expropriation to a certain extent.

4. Problems in the Transfer of Land Management Rights in Taixing City

4.1 Inadequate Publicity and Guidance of Legal Policies

One is the inadequate performance of responsibilities at the grassroots level. Some grassroots cadres have a mentality of being afraid of chaos and seeking stability. They lack sufficient study and research on the laws and policies related to the transfer of rural land management rights, and their propaganda is superficial. The policy guidance is weak, believing that rural land has been contracted and confirmed to farmers, and remains unchanged for a long time. Land transfer is the right of farmers themselves, and they neglect supervision and let it go. Secondly, farmers' willingness to transfer land is not strong. Since the beginning of this century, the national policy of supporting and strengthening agriculture has been gradually implemented, and various land based burdens on farmers have been completely eliminated. Farmers not only do not have taxes on their land, but also receive subsidies for grain (land) cultivation. With the increasing number of land acquisition and the gradual improvement of compensation standards, such as urbanization and national key project construction, some farmers are more eager to obtain compensation fees for contracted land acquisition. Some farmers also have concerns about the stability of the policy, fearing that after the second round of land contracting expires, they will disrupt the re contracting or reclaim the contracted land, resulting in lost land and unemployment. Therefore, some farmers, even if they go out for work and business and are unable to

cultivate, would rather engage in extensive management or even waste their land, rather than transfer it for a long time. Thirdly, the business entity lacks stable expectations. The central government has already made it clear that after the second round of rural land contracting expires, it will be extended for another 30 years without change. As the second round of contracting deadline approaches, agricultural scale operators are concerned about policy risks, resulting in a significant decrease in land transfer and agricultural investment willingness.

4.2 Circulation Procedures Need to be Standardized

The service functions of rural collective economic organizations are not fully utilized, and the land transfer is not standardized enough. The main form of transfer is leasing, and there are not many transfers and shares; Some are just a kind of "gentleman's agreement", without fulfilling the procedures of signing, authentication, and filing, with a short lease time and many uncertain factors; The coverage of county-level land transfer service platforms is narrow, the demand entities are limited, and the price risk function is insufficient, resulting in a significant gap between their actual role and expectations; The natural and market risks faced by agricultural scale operation entities are relatively high, and there are frequent occurrences of contract breaking and lease abandonment due to poor management and external factors. However, the risk compensation and release mechanisms provided by the government still need to be strengthened.

4.3 Inadequate Service System

At present, the government's services for the transfer of land are mainly reflected in regulating the transfer behavior and ensuring the legality and compliance of the transfer, such as guiding the signing of contracts. The service methods for reviewing the qualifications of the transferee are relatively single. The land transfer service system should include the demand services required by both parties involved in the transfer. From the perspective of the transferor, a transparent and efficient trading market should be established, including inquiry services, transfer consulting, land mortgage and other services. From the perspective of the transferee, it is necessary to further improve comprehensive services such as financial support policies, agricultural production technology support, agricultural machinery support, and product brand building, to help the transferee solve the difficulties encountered in the production and operation process, and to further promote the agglomeration and expansion of land transfer scale efficiency through the sound service system.

4.4 Lack of Service Capability

One is insufficient guidance in the management of land transfer. The land transfer management project is single, and the types of cultivation and breeding are also influenced by economic factors. Farmers are more willing to choose crops or livestock with commercial value for cultivation and breeding, which will clearly pose serious challenges for sustainable agricultural development. The use of land transfer in Taixing City mainly focuses on traditional planting modes such as rice shrimp co cultivation, rice duck co cultivation, and greenhouse planting. The planting mode is too single, and the transfer forms are too few, which is not conducive to the transfer of land scale. Secondly, there are still shortcomings in the

construction of agricultural infrastructure. In recent years, there has been significant improvement in rural infrastructure, but the overall level is still low. Farmers also tend to choose plots with poor infrastructure when it comes to land transfer. The significant investment in infrastructure improvement directly affects the enthusiasm of business entities, leading them to achieve better profits. And lower the land circulation price. This affects the enthusiasm of farmers in land transfer, ultimately making it difficult to achieve land transfer. The third is the imperfect guarantee mechanism. The first issue that farmers need to face is how to survive after transferring the land management rights. The land transfer management projects are becoming increasingly single, and the types of cultivation and breeding are also influenced by economic factors. Farmers are more willing to choose crops or livestock with commercial value for cultivation and breeding, which will clearly pose serious challenges for sustainable agricultural development. Land can ensure the basic needs of farmers, but when land is transferred, what farmers do becomes a difficult problem, especially since the social security in rural areas in China is not complete. Therefore, the first important thing now is to solve the livelihood problems of farmers in the future. So we should shift our focus of work, shift our focus from ensuring life security to how to find employment, and must address the issues that farmers are most concerned about. This requires us to provide services that meet both the short-term interests of the people and the long-term interests of farmers, in order to achieve rural revitalization in China as soon as possible.

4.5 Waste Disposal Urgently Needs Improvement

Due to the high efficiency of going out for work and business, a large number of young laborers have been transferred, and there are varying degrees of land abandonment in various regions. Currently, there is no effective treatment method for abandoned land, and it is urgent to establish and improve effective mechanisms to curb land abandonment, effectively manage land abandonment, and stabilize food production.

4.6 Difficulty in Developing Mortgage Loans

At present, there is no established mechanism for evaluating the value of rural land contractual management rights, and supporting policies such as mortgage loans for land contractual management rights and guarantees for farmers who lose their land contractual management rights are lacking. Banks and financial institutions are unwilling to actively carry out mortgage loans for rural land contractual management rights, resulting in poor circulation of land management rights and insufficient reflection of the value of rural land.

5. Countermeasures and Suggestions

5.1 Further Increase Publicity and Guidance Efforts

County and rural cadres should deeply study and proficiently master the relevant laws and policies on the transfer of rural land contract management rights, conduct in-depth investigations and research at the grassroots level, combine with the current "three rights separation" of rural contract land, implement the project of cultivating and improving new agricultural management entities, and "one

thousand people leading one thousand communities", widely promote land transfer laws, regulations, and policy measures, as well as the actual effect of land transfer on increasing farmers' income, and eliminate farmers' ideological concerns, Enhance awareness of land transfer.

5.2 Further Standardize Land Transfer Behavior

Firstly, we must adhere to the principle of circulation. Adhere to the principles of "equal consultation, voluntariness, and compensation", standardize the service of rural collective economic organizations for rural land transfer, and shall not infringe on farmers' land contract management rights, force farmers to transfer land management rights, or harm farmers' interests; Secondly, strict circulation deadlines should be implemented. The land transfer period shall not exceed the contract period. As the second round of contracting gradually expires, the policy of "extending the land contracting period for another 30 years without change" should be implemented as soon as possible to stabilize the expectations of farmers and business entities; Thirdly, we need to standardize the circulation procedures. Strengthen the standardized management of farmers' land transfer, and farmers should spontaneously transfer the contracted management rights of rural land through methods such as shareholding, leasing, exchange, and transfer. There should be a transfer contract signed by both parties, signed and stamped by the village collective economic organization, and authenticated by the township (town) land flow service center. The contract text should refer to the Ministry of Agriculture and Rural Affairs The national market supervision and management of the "Rural Land Management Right Rental Contract (Demonstration Text)" and "Rural Land Management Right Purchase Contract (Demonstration Text)" shall be submitted to the contracting party for filing.

5.3 Further Improving the Circulation Mechanism

Firstly, we need to improve the land transfer service system. On the basis of county-level circulation service platforms, gradually establish municipal and provincial online trading platforms, promote supply and demand docking on a larger scale, expand transaction scale, and improve transaction efficiency. Improve the transaction service system and working mechanism, and provide project services such as laws and regulations, information consultation, contract online signing, land management right mortgage registration, and risk prevention for land transfer. Guide the establishment of an intermediary agency for evaluating the transfer of rural land management rights, fully leverage the role of social resource factors in land transfer, and through publicity and guidance, help farmers use their land management rights, improve land management efficiency, and gradually achieve market-oriented operation of land transfer; Secondly, we need to establish and improve a dispute resolution mechanism. Establish and improve the mechanism for mediating disputes over rural land contract management, strengthen the construction of mediation and arbitration teams, increase publicity and training, and case mediation efforts, effectively ensure work funds, and innovate dispute mediation and arbitration methods according to local conditions. Continue to carry out the construction of a demonstration county for mediation and arbitration of disputes related to rural land contract management, and improve the capacity and level of mediation and arbitration. Strengthen

communication with courts, judicial and other departments, establish and improve coordination mechanisms, and ensure that effective mediation agreements and rulings are fulfilled or enforced; Thirdly, we need to standardize the system for the entry of industrial and commercial capital. Standardize the orderly entry of industrial and commercial capital into rural areas, develop moderately scaled farming and breeding industries, further optimize the rural industrial structure, build a modern agricultural industrial system, production system, and management system, and accelerate the promotion of agricultural modernization. We need to implement upper limit control over the term and area of agricultural land leased by industrial and commercial capital, establish a risk prevention and control mechanism, implement a hierarchical filing system for land transfer at the county, township, and village levels, avoid issues such as abandoned farmland, "non grain" and "non agricultural" land, and infringement on farmers' interests, in order to ensure the healthy development of the transfer of rural land contract management rights.

5.4 Further Implementation of Supporting Policies

Firstly, financial support is needed to promote circulation. Efforts will be made to improve farming conditions and increase farmers' enthusiasm for farming. Make full use of brands such as old areas in the Soviet Union, demonstration counties for national ecological civilization construction, and counties with basic financial support at the county level, conduct in-depth research and application of policies, actively strive for financial support, and integrate existing funds for ecological restoration, agricultural comprehensive development, land consolidation, standard farmland construction, tobacco based engineering, small-scale agricultural water engineering, and other projects to comprehensively promote rural revitalization. Increase investment in agricultural infrastructure, steadily promote farmland water conservancy Renovation of medium to low yield farmland, especially the construction of agricultural infrastructure projects such as the "Four Wastes", the construction of a batch of high and stable yield basic farmland, the promotion of agricultural industrialization management, and the promotion of the transfer of rural land contract management rights; Secondly, financial support is needed to promote circulation. Seriously studying bank financial policies, strengthening communication and coordination with bank financial departments, and further improving the management methods for rural land management rights mortgage loans. Under the premise of actively developing the agricultural industry, bank financial institutions independently decide on the issuance of land management rights mortgage loans in accordance with the principles of "voluntary, risk bearing, and profit bearing", and strive to open the gate of rural land management rights mortgage loans, To effectively unleash land management rights and inject vitality into the development of agricultural industrialization; Thirdly, we need insurance support to promote circulation. Exploring the establishment of insurance policies that meet the needs of large-scale business entities, supporting the development of moderate scale agricultural operations, relying on the prosperity of key industries in rural revitalization, promoting the orderly transfer of rural land management rights, introducing agricultural enterprises to participate in rural revitalization, promoting the improvement of quality and efficiency of the agricultural industry from

point to area, and promoting the integrated development of the primary, secondary, and tertiary industries. Focusing on improving insurance protection and compensation standards, achieving full coverage of agricultural policy insurance in major industries and varieties, conducting pilot projects for new insurance products such as cost, output, price, and income insurance, reducing the operational risks of new business entities, and promoting moderate standardized management of rural land.

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