

Original Paper

Research on the Effectiveness of China's Rural Land Ownership Policy

Songtao Wang¹, Yang Yang¹ & Minqian Luo^{1*}

¹ Rural Revitalization Research Center, Business School, Shantou University, Guangdong, China

* Correspondence: Minqian Luo, E-mail: 22mq Luo@stu.edu.cn

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Abstract

The confirmation of rural land rights and the "separation of three rights" have opened the prelude to the deepening reform of China's agricultural land system, and are of great significance to the implementation of rural revitalization and agricultural security strategy in the new era. Based on existing literature studies, this paper summarizes and analyzes the effect of land ownership confirmation on farmers' income, land circulation, scale management, urbanization, rural governance and other aspects of China's rural land ownership confirmation. The research shows that land ownership confirmation can improve farmers' income, promote land circulation and scale management to a certain extent, but the effect is limited. The impact on urbanization and rural governance is still unclear.

Keywords

Land ownership confirmation, Farmers' income, Land circulation and large-scale management, Urbanization, Rural governance

1. Introduction

The land system is the most important arrangement of production relations in a country and the most basic system among all systems. China's rural land ownership confirmation is an important part of China's rural land property rights reform in recent years, which has far-reaching significance for protecting farmers' legitimate rights and interests and developing modern large-scale agriculture. In 2013, the No. 1 Central document officially proposed, "Comprehensively carry out the work of rural land ownership confirmation, registration and certification... We will basically complete the confirmation, registration and certification of the contracted management rights of rural land within five years." By the end of 2018, the work of determining land rights in rural areas will be basically

completed. In January 2023, the Opinions of the The State Council on Comprehensively Promoting the Key Work of Rural Revitalization in 2023 further proposed that: deepen the reform of the rural land system, firmly do a good job in determining rights, steadily promote empowerment, orderly realize the living rights, and let farmers share more reform dividends. Can the new round of confirmation of agricultural land rights promote the transfer of agricultural land, expand the scale of agricultural operation, and improve farmers' income, and what impact will it have on urbanization and farmers' governance? This paper will review and summarize the existing literature.

2. The Exploration and Practice of Rural Land Ownership in China

2.1 The Background of Rural Land Ownership Confirmation

With the rapid development of urbanization and industrialization, a large number of rural labor force flows to the city, and the division of agricultural land contract right and management right is an inevitable trend. This also requires the redistribution of rural land resources from farmers with relatively low agricultural productivity to farmers with relatively high productivity, so as to improve the utilization efficiency of agricultural land resources. The existing institutional arrangement of agricultural land property rights in China, land ownership belongs to the village collective, and farmers only have part of the power of land property rights, including the right to use (that is, contract management rights), the right to transfer and the corresponding income right. Therefore, the essence of "right confirmation" is to define the farmers' land contract management right in the form of the right to use certificate on the basis of actual measurement, so as to protect the legitimate rights and interests of farmers. In 2009, the central No. 1 document clearly proposed for the first time to carry out the pilot registration of land contract management rights. In 2013, the Central Government proposed to comprehensively carry out the work of determining, registering and certifying rural land rights. In 2018, the work of determining agricultural land rights was basically completed. By November 2020, more than 96 percent of rural contracted land rights had been confirmed, registered and issued, and 200 million rural households had received land contract management rights certificates.

2.2 The Process of Land Ownership in Rural China

After the reform and opening up, although the work of rural land ownership confirmation and certification has been proposed by the government for many times, it has not been widely implemented. Until 2008, the Third Plenary Session proposed to "do a good job of rural land ownership, registration, and certification", and in 2009, the central "No. 1 document" further clarified that it was necessary to "implement the area, spatial location and ownership certificate of contracted land to farmers", which opened the prelude to a new round of agricultural land ownership. In 2009, the Ministry of Agriculture selected some townships in eight provinces, such as Shandong and Sichuan, and began the preliminary exploration of the work of confirming rights and issuing certificates in a small scope. At the beginning of 2011, the Ministry of Agriculture issued the Opinions on carrying out the pilot work of registering the contracted Management rights of Rural Land, requiring that the problems such as inaccurate and

unclear areas of contracted land be properly solved on the basis of land measurement. In 2013, the central "No. 1 document" officially made a major strategic decision to "basically complete the confirmation, registration and certification of contracted rural land management rights in 5 years", and a new round of rural land confirmation has been comprehensively promoted in the country. A new round of confirmation of agricultural land rights is an important measure to strengthen the stability of farmers' land use rights. By 2017, the other 28 provinces (autonomous regions and municipalities) except Shanghai, had been listed as the pilot province of determining agricultural land rights. By May 2018, the work of determining and certifying the contracted management rights of rural land nationwide had entered the final stage. According to the latest news from the Office of the Central Rural Work Leading Group and the Ministry of Agriculture and Rural Affairs, as of November 2020, more than 96% of rural contracted land rights had been confirmed, registered and issued, and 200 million rural households had received land contract management rights certificates. The landmark events of the change of agricultural land property rights in China since the founding of the People's Republic of China were sorted out to clarify the evolution process of property rights (see Table 1).

Table 1. Series of Documents on China's Land Policy over the Past Years

Year	Policy document	Relevant content
1982	1982 Constitution	It is clearly affirmed that the production is contracted to the household and the work is contracted to the household
1984	Notice on rural work in 1984	The land contracted to farmers was determined to remain unchanged for 15 years
1993	The State Council several policy measures for industrial and rural economic development	The contract period will be extended to 30 years
2002	Rural Land Contract Law	In the form of law, the main position of farmers' land property rights is established
2008	Decision on several major issues concerning the promotion of rural reform and development	Clearly put forward "improve the strict and standardized rural land management system", requiring "do a good job in rural land ownership confirmation, registration, certification work.
2013	Several Opinions on Accelerating the Development of modern Agriculture and Further Enhancing the vitality of Rural Development	comprehensively carry out the work of determining, registering, and certifying rural land rights
2014	Opinions on Guiding the orderly Transfer of	Realize the separation of ownership rights,

	Rural Land Management Rights to Develop appropriate scale agricultural management	contracting rights and management rights
2019	Opinions on maintaining stable and permanent land contract relations	The second round of land contracts will be extended for another 30 years after they expire. We will do a good job in determining the rights, registering and certifying contracted land

2.3 The Way to Confirm the Ownership of Rural Land

Due to the differences in natural and social conditions in different regions, the ways of determining farmland rights are diverse. Luo Mingzhong (2021) divided the methods of determining the rights of agricultural land into two categories: determining the rights of agricultural land integration and determining the rights of non-integrating agricultural land, based on whether land integration was carried out before determining the rights of agricultural land. The confirmation of rights of agricultural land integration means that before the confirmation of rights, farmers' scattered and fragmented contracted land is concentrated and connected, and on the basis of improving infrastructure, the confirmation of agricultural land rights is carried out. The choice of integrated right confirmation method may be more suitable for the needs of mountainous areas, where the phenomenon of unclear property rights is very common. Integrated right confirmation can reduce transaction costs, make it easier to realize the transfer of agricultural land, and then realize the large-scale management of agricultural land. According to the practice of Yangshan County, Qingyuan City, Guangdong Province, after the integration and confirmation of farmland rights, farmers can realize the continuous cultivation of contracted land, which is an organizational innovation of the way of confirming rights to households (Luo Mingzhong, 2017; Tan Yanwen, 2017).

In addition, other scholars (Zhang Dongsheng, 2019) divided the methods of determining rights to agricultural land into three types: "determining rights and determining shares with uncertainty" (referred to as "determining shares") and "determining rights and determining profits with uncertainty" (referred to as "determining profits"). First, the way of "confirming the right to the land" is also known as "confirming the right to the household", that is, according to the number and location of the land at the time of the second round of contract, which is the main way of confirming the right to the agricultural land in China. Second, the "ownership and share of uncertainty" means that farmers have the right to operate and profit rights of the original contracted land, and the contracted land of farmers is uncertain about the specific location and land boundaries, and the collective contract is carried out. Farmers, as contractors, do not specify the boundaries of their contracted land, but only the share of their contracted land, which is conducive to the specialization and large-scale operation of agriculture (Luo Mingzhong, 2018). Third, "to confirm the rights and interests of uncertainty." The difference between the two is that the potential income of the rural land is determined according to the registered area of the rural collective land contract management right certificate. In fact, it is a kind of quasi-

share by share "contracted management right of the rural land. The potential income of the real estate is distributed uniformly within the scope of the administrative village, which is similar to the "common ownership" of the agricultural land contract management right.

2.4 The Existing Problems of Rural Land Ownership

First, issues left over from history. The confirmation of agricultural land rights is based on the existing land contract, ownership certificate and registration results of collective land ownership. However, since the second round of agricultural land contracting, affected by economic and social development and historical conditions, the confirmation of agricultural land rights has been plagued by problems such as lack of data for the second round of contract extension, large changes in cadastral information of farmers, strong demand for land transfer of farmers, and changes in the use of part of cultivated land, resulting in slow progress in the confirmation of agricultural land rights in some areas, and problems left over from history caused by historical reasons have not been effectively solved. Land ownership disputes are increasingly emerging, seriously affecting the process of determining agricultural land ownership (Zhang Dongsheng, 2019).

Second, the issue of thinning the boundary of farmland property rights. In reality, the collective economic organizations, as the exercisers of the collective ownership of land, control the transactions in the leasing market and often lack supervision rules. Therefore, the specific content of "collective" ownership should be clearly conferred, including the scope of the right to dispose of, and the effective control and restraint of other rights. The cognition of farmers to the confirmation of farmland rights still remains in the textual expression of policies and the oral interpretation of village cadres. Only by improving farmers' awareness of land ownership can farmers' recognition and support of land ownership be obtained, so as to realize the positive interaction between the central government and local governments and between farmers, and effectively promote the process of land ownership ownership (Yao Zhi, 2022).

Third, the problems left by the two-field system and the unimplemented land contract. In the process of rural land contract reform, there is a system of "two-field system" in many places, that is, part of the land is contracted to farmers and part of the land is retained for collective management. In this round of rights confirmation process, there is a great dispute over whether the relatively large proportion of land retained by the collective should be redistributed and re-confirmed, or still operated by the collective. In some areas, especially in Guangdong, the east and west of Guangdong Province, the second round of contracting was not strictly implemented in the history, but was adjusted according to the population dynamics. Since the land was not really contracted to the households, the land right confirmation in this round lacks the property right foundation. Collective organizations tend to assign the land right to the collective management, while farmers hope to implement the contract and confirm the right on this basis. This results in greater conflicts and games.

3. The Effect of Land Ownership Confirmation in Rural China: Income Effect

There are four factors restricting the growth of rural household income (Liang Xin, 2019; Zhu Wentao, 2016): First, resource endowment. Resource endowment includes not only natural resources, but also social resources. Under the situation of limited arable land and large rural population in China, the per capita cultivated land area is low, and the source of farmers' income naturally declines. Second, urbanization. The transfer of rural surplus labor force to non-agricultural and urban areas is an important way to increase farmers' income, but the urban-rural dual structure caused by the difference of household registration system and employment system between urban and rural areas hinders this process. Thirdly, the transfer of rural surplus labor force to urban employment can promote the growth of farmers' income; Fourth, the land system. Some scholars believe that land systems and policies with clear property rights and fewer adjustments can stabilize farmers' expectations, increase investment in agriculture, and boost farmers' incomes.

Some scholars believe that land ownership confirmation can improve farmers' income by accelerating land circulation. Through land transfer, farmers with higher production capacity and resource endowment tend to concentrate land, and farmers with lower agricultural production efficiency are more willing to lease their land to get rent. This process actually plays a role in optimizing land resources and improving agricultural production efficiency. Cheng Lingguo and Zhang Ye (2016) found that land ownership confirmation significantly increased the probability of farmers' land transfer by 4.9 percentage points, land transfer volume nearly doubled, and rent also increased by 43.3 percentage points. Yang Hongli (2020) analyzed the intermediary effect model based on the data of the national labor dynamics survey in 2016, and the results showed that the confirmation of agricultural land rights could improve the agricultural income and total income of farmers at the overall level. Zhang Guolin (2021) used the data of the 2015 China Household Finance Survey (CHFS2015) to investigate the impact of land ownership confirmation on farmers' property income from the perspective of land circulation, and found that land ownership confirmation has direct and indirect effects on farmers' property income. Among them, the transfer of land management rights and the mortgage loan of land management rights are important mechanisms to confirm land rights and promote the growth of farmers' property income. Liang Xin (2019) found that the reform of China's agricultural land system based on land ownership confirmation can promote farmers' income through two mechanisms: accelerating land circulation and clarifying land property rights, but the direction of the impact on farmers' income through the mechanism of stabilizing land system is uncertain.

Some scholars maintain that expropriation will lead to more fragmentation of farmland and will not increase farmers' incomes. Ke Lian (2019) used the panel data of county-level regions in Hunan Province from 2001 to 2016 to estimate the impact of land transfer policies on the per capita income of farmers in the region by using the composite control method, and concluded that compared with the synthesized regions without policies, the per capita income of farmers in the regions with land transfer policies did not increase significantly. Li Xingguang (2022) also believed that the property rights

system arrangement of equal division of land caused a prominent problem of fragmentation of agricultural land, which was difficult to effectively reduce agricultural production costs and inhibited the improvement of agricultural operation income. Zhan Peng (2023) conducted an empirical study on the relationship between farmland ownership and farmers' income by using the differential model, and found that farmland ownership has no significant impact on the agricultural operation income and land transfer rental income of long-term farming households. It is also found that the influence of land ownership confirmation on mortgage land loans is not significant, so it is difficult to increase farmers' income through indirect means.

4. The Influence of Rural Ownership Confirmation on Land Circulation and Large-scale Management

The academic circles hold different views on the influence of land ownership confirmation on land circulation.

Most scholars believe that land ownership confirmation can promote land transfer by reducing transaction costs and improving the security of land transfer transactions. Using the data of China Household Finance Survey (CHFS), Gong Maogang (2023) found that the confirmation of contracted land ownership significantly increased the probability of farmers' land transfer and transfer, and significantly increased the area of farmers' land transfer and transfer. Cheng Lingguo (2016) conducted an empirical test using the survey data of rural households in the China Health and Pension Tracking Survey from 2011 to 2012. The results show that the confirmation of farmland rights not only reduces the transaction cost, but also promotes the land circulation. At the same time, it also strengthens the property rights of agricultural land, thus improving the intrinsic value of land resources. Li Jiangyi (2020) used the micro-panel data collected by the China Household Finance Survey (CHFS) in 2013 and 2015 to investigate the impact of rural land ownership confirmation on rural land transfer by using the differential model and taking a new round of rural land contract management right confirmation and registration pilot as a quasi-natural experiment. It is found that the confirmation of farmland rights can significantly increase the probability of farmers renting land by 4.2 percentage points, but it does not significantly affect the decision of farmers to rent land.

Some scholars believe that land ownership confirmation has a restraining effect on land circulation. Luo Biliang (2017) believes that there is no necessary relationship between the confirmation of agricultural land rights and land transfer. Its internal mechanism is as follows: first, the confirmation of agricultural land rights will increase transaction costs. Second, the confirmation of farmland rights will enhance the endowment effect. Luo Biliang (2020) conducted a study using the inter-provincial panel data of China from 2006 to 2016, and did not find that the confirmation of agricultural land rights had a significant impact on land transfer or agricultural specialization.

In China, the impact of land ownership confirmation on the large-scale management of agricultural land is also different. The reform of the "three rights" of land ownership, contract rights and

management rights has strengthened the protection of rural land rights, encouraged appropriate scale operations through various forms, and accelerated the transformation, upgrading and modernization of agriculture. Confirming the right of agricultural land can help the land from the hands of low-productivity farmers to the hands of farmers with higher professional level, and help realize the large-scale management of agricultural land. In addition, agricultural production factors can be optimized by adding short-term investment, increasing agricultural employees, purchasing large-scale agricultural machinery and tools, etc., and agricultural production efficiency can be improved. Zhu Lifan (2023) proposed that the determination of agricultural land rights should not only promote land transfer, but also concentrate agricultural land to efficient agricultural producers and operators, and improve the decentralized management of farmers, so as to significantly improve the efficiency of agricultural land use. Han Jiabin (2018) found that ownership confirmation promoted farmers' land scale management. Based on the tracking survey data (CRHPS) of rural households in China from 2015 to 2017, Tian Yuan (2022) made an empirical analysis using the fixed-effect model and concluded that the stability of property rights had a significant promoting effect on the market-oriented allocation of agricultural land factors, which promoted the transfer of land from inefficient operators to efficient operators and stimulated the positive effect of the agricultural land trading market.

However, in reality, there may be a variety of factors to hinder this path, resulting in the policy effect of agricultural land confirmation is not fully manifested. Although the study of Yang Guangliang (2022) showed that confirmation of agricultural land rights can promote land outflow, no evidence was found that confirmation of agricultural land rights is conducive to large-scale land management. Based on field investigation and literature review, Yao Zhi (2022) argued that the impact of farmland ownership confirmation on land circulation, scale management and land capacity protection may be far less obvious than imagined. Jiang Jiaying (2022) conducted an empirical analysis using the panel data of 2017 and 2020 formed by the follow-up survey of contracted farmers in Jilin, Hebei, Hunan and Chongqing provinces. The research showed that there was no obvious evidence to show that contracted land ownership confirmation had a very significant impact on contracted farmers' land transfer rent, land transfer and land production investment. The conclusions of the above literatures are inconsistent, which may be due to the differences in sampling scope and empirical methods.

5. The Influence of Rural Land Ownership on Labor Transfer

According to the theory of property rights, the clarity of property rights is the premise of market transactions and is conducive to improving economic efficiency. The right confirmation clarifies the land property right and provides conditions for land transaction and factor flow. How land rights affect the non-agricultural labor transfer has been controversial, and the relevant literature mainly focuses on the following two aspects.

The promotion effect of right confirmation on labor transfer. Tang Chao (2020) used the questionnaire survey data of 2232 rural households in Yangshan and Xinfeng counties of Guangdong Province, and

adopted Tobit model and OLS model to empirically-analyze the impact of farmland integration and ownership confirmation on the local transfer of rural labor force under the adjustment of agricultural division of labor. The results show that the integration of rights is conducive to the local transfer of rural labor, and the improvement of the degree of marketization of agricultural products and the degree of agricultural socialization service enhances the positive incentive of the integration of rural land rights to the local transfer of rural labor. Chen Jianghua (2020), based on 1,402 survey data of farmers from 13 counties (districts) in 7 regions of Jiangxi Province in 2016, established an intermediary effect model with farmland segmentation as an intermediary variable, and made an empirical analysis of the impact of farmland ownership confirmation on the proportion of non-agricultural labor transfer of peasant families. The results show that the confirmation of farmland rights has a significant positive impact on the proportion of non-agricultural employment of rural labor force, which is directly promoted by enhancing the intensity of farmland property rights, enhancing the expectation of the stability of farmland property rights and improving the exclusivity of farmland property rights, and indirectly has a positive impact by solidifying the fragmentation pattern of farmland.

The inhibitory effect of right confirmation on labor transfer. In practice, the diversity of ways, regional differences and sample selection may lead to differences in the effect of labor transfer. The view of the mainstream literature is that the improvement of the stability of farmland property rights will promote the non-agricultural transfer of rural labor, on the contrary, the instability of farmland property rights will inhibit it (Hong Weijie, 2020). Luo Biliang (2020) proposed that in the practice of determining farmland rights in China, the policy of determining farmland rights does not necessarily positively promote the flow of labor factors. On the one hand, the phenomenon of property rights competition induced by the confirmation of agricultural land rights is not uncommon, and the personalization of property rights and the competition of incumbence may restrain the employment of the labor force to a certain extent. On the other hand, stable property rights can form labor input incentives for farmers and induce them to engage in agricultural production and management activities for a long time. In addition, Wejie Hung and Peter Law (2019) point out that the role of the macro environment on property rights may exert constraints on labor mobility. Meng Xiaozhi (2022) made use of the 4,245 valid samples obtained by the China Labor Dynamics Survey in 2016 and showed through empirical analysis that in terms of labor transfer, the confirmation of agricultural land rights significantly increased the non-agricultural transfer of men, but had no significant impact on women. In agricultural production, land confirmation significantly increased women's farming, but had no significant impact on men, that is, there was a gender difference in the impact of land confirmation on labor transfer.

6. The Influence of Rural Land Ownership Confirmation on Urbanization and Industrialization

During the "14th Five-Year Plan" period, urbanization development faces both problems, challenges and opportunities. By the end of 2020, the urbanization rate of permanent residents will reach 63.89 percent, and the urbanization rate of registered residents will increase to 45.4 percent. Xu Gang (2022)

found through research that China's land urbanization has been faster than population urbanization since 1990, and the trend has slowed down after 2006, and the trend has initially reversed in 2020. Generally speaking, new-type urbanization includes population urbanization, land urbanization and industrial urbanization.

Meng Fanyu (2015) found that the long-term urban orientation of national land policies is one of the important reasons for the uncoordinated land relations between urban and rural areas in China. With the deepening of urbanization, on the one hand, the demand for non-agricultural land continues to expand, rural land resources are requisitioned, and land rights have become an unavoidable topic. On the other hand, the process of citizenization of rural residents has accelerated, and their dependence on land has gradually decreased. Quite a few farmers are willing to give up their right to use the house land or the contracted management right of agricultural land in exchange for certain security, especially social security.

Zhang Yongfeng (2021) found that rural land ownership confirmation can improve the stability and long-term nature of rural land by reducing the behavior of rural land expropriation. Li Lanbing (2020) believe that the main tasks of urban-rural integrated development include breaking the barriers of urban-rural factor flow from the institutional mechanism, strengthening the institutional supply of rural revitalization, actively taking steps in the aspects of capital entry into the countryside, land circulation and land entry into the market, changing the one-way flow from the countryside to the city, and providing sufficient and high-quality factor resources support for rural agricultural modernization. He Weiwei (2022) proposed to strengthen the connection and coordination between the land ownership confirmation policy and the citizenization policy system, based on the core issues of employment, housing, medical care and social security faced by farmers in the process of citizenization, strengthen the guarantee of basic public services, and promote the synchronous coordination between population urbanization and land urbanization.

7. The Influence of Rural Land Ownership Confirmation on Rural Governance

Rural governance is the cornerstone of national governance and the foundation of rural revitalization. Land ownership confirmation and village stability are two major issues in rural revitalization and social and economic development, and land property security is an important institutional guarantee for maintaining village stability and promoting village development. Rural land is the most important means of production of village collective members, and its property right structure directly determines village governance and village order.

Tian Yuan (2022) found that the stability of property rights significantly promoted the marketization of agricultural land transactions, while diluting the characteristics of acquaintance transactions and promoting the marketization of acquaintance transactions. This will help protect the fairness of farmland transactions and reduce disputes and contradictions. Zhang Guangcai (2021) used the data of Chinese household survey in 2017 to investigate the impact of land property rights protection on

village stability. After using village democracy as an instrumental variable to solve the endogenous problem, they found that the confirmation of agricultural land rights could significantly reduce the probability of village crimes. Li Jing (2022) used the questionnaire survey data of CLDS2017 at the village and household levels to reveal how the degree of village organization affects the rate of agricultural land transfer. The research results show that the degree of village organization significantly affects the rate of agricultural land transfer. Specifically, for every 1% increase in the degree of organization, the agricultural land transfer rate increases by 2.53%. In order to build a benign trust and cooperation mechanism between the village committee and the villagers as well as between the villagers, the village should implement the policy intention of agricultural land transfer appropriately. The test results of Qiu Tongwei (2019) using the CLDS data of 2014 show that intra-clan differentiation or the cooperation between clan elites and local governments is an important incentive for the damage of villagers' land rights and interests, and it is urgent to strictly limit the boundaries of administrative intervention. We should face squarely and give play to the positive role of the clan in the protection of villagers' rights and interests and grassroots autonomy, and promote the implementation of rural revitalization strategy. Geng Pengpeng (2022) emphasized that the reform of agricultural land property rights system is promoting the transformation of China's rural society. On the one hand, the traditional village community governance order maintained by kinship and geography is gradually deconstructed, and on the other hand, the village governance system is reshaped in a modern way of contract, formalization and legalization.

8. Peroration

To a certain extent, the confirmation of agricultural land rights clarifies the boundary of land rights of the government, village collectives and farmers, and guarantees the farmers' right to land transfer and land residual claim. In theory, China's rural land ownership confirmation and the "three rights separation" system reform can strengthen farmers' land property rights, increase farmers' income, and promote land circulation and large-scale management. However, in practice, due to different institutional environments in different places, the effect of land ownership confirmation is not obvious in the short term, and existing studies have failed to significantly confirm the positive effect of land ownership confirmation. Even in some areas, the strength of collective property rights has been strengthened, and farmers' rights and interests have been damaged. The land property right system is an important factor to increase farmers' income. The government should continue to improve the land property right system and transfer system, innovate the land transfer mode, establish a land transfer platform, accelerate the market-oriented allocation and construction of agricultural land factors, promote the large-scale management of rural households' land, steadily promote the new urbanization, and realize the integrated development of urban and rural areas.

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