

The Dilemma and Optimization of the Rule of Law in Rural Governance of China in the New Era

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Abstract— *The rule of law in rural governance conforms to the inherent requirements of the construction of the socialist rule of law system with Chinese characteristics, and is also an important guarantee for the realization of the rural revitalization strategy. However, at present, the development of rural governance by law is still faced with the legal system is not perfect, the legal culture atmosphere is weak, the supervision mechanism is not perfect and so on. Therefore, in order to realize the rural revitalization strategy, better promote the rule of law and adapt to the changes in the new countryside, we must further improve the path of investigation, improve the rural legislation and system system, strengthen the construction of the rule of law culture, and set up the assessment system to promote the optimization of the rule of law in rural governance in the new era and speed up the process of the rule of law in the country.*

Keywords— *the New Era, Rural governance, Rule of law, Dilemma, Optimization strategy*

I. INTRODUCTION

Chinese modernization is inseparable from the rule of law, and rural areas are the top priority. Rural society has always been the main body of Chinese society, whether from the perspective of population structure or the geographical distribution of urban and rural areas. Improving the level of rural governance is a necessary demand for the modernization of national governance capacity. Moreover, at the present stage, the principal contradiction in our country has been transformed into the contradiction between unbalanced and inadequate development and the people's growing needs for a better life, and the biggest imbalance lies in the unbalanced urban and rural development, and the biggest weakness lies in the countryside.

Therefore, to comprehensively promote the rule of law, the foundation is at the grassroots level, the focus of work at the grassroots level. As an important part of China's grassroots society, rural areas are the foundation and focus of promoting the rule of law in an all-round way.

II. THE NECESSITY OF RULE OF LAW IN RURAL GOVERNANCE

A. Policy background

(a) An important Part of the Modernization of National Governance

Since the founding of the state, the Party has continuously explored modernization in the process of governing the country and achieved certain results. In terms of methods, from the "one reform and three reforms" to comprehensively deepening reform, comprehensively advancing the rule of law, and comprehensively completing the building of a moderately prosperous society, the Party and the state have constantly developed and improved the level of modern governance in these explorations. In terms of content, the rule of law in rural governance is an important part of the modernization of rural governance, so it is also an important prerequisite and inevitable requirement to realize the modernization of the national governance system and governance capacity.

(b) The basic Requirement for promoting the Rule of Law in an all-round Way

The Fourth Plenary Session of the 18th CPC Central Committee pointed out that the rule of law should be comprehensively promoted, with the foundation and focus on the grassroots level. China is a country with a large population, with a large number of rural areas and more than half of the population living in rural areas. As an important part of China's grassroots society, rural areas are the foundation and focus of promoting the rule of law in an all-round way. In March 2020, the CPC Central Committee's "Opinions on Strengthening the Construction of Rural areas under the rule of Law" clearly required that the Party should lead rural areas to govern by law and improve the "three governance integration" rural governance system. Taking the rule of law as the basic way of rural governance in the new era is one of the ways to comprehensively promote the rule of law. Therefore, the rule of law in rural governance is also the basic requirement for comprehensively promoting the rule of law.

(c) An important Basis for Realizing the Rural Revitalization Strategy

According to the Strategic Plan for Rural Revitalization, the rule of law is a strong guarantee for optimizing rural governance, and the construction of law-based villages should be further promoted. The ultimate goal of the rule of law in rural governance is to create a good legal environment for rural revitalization, which will in turn push forward the implementation of the rural revitalization strategy. The rural revitalization strategy is a powerful policy driving force to promote the improvement of the rural rule of law, and the implementation of the rule of law in rural governance is also an important guarantee and prerequisite to ensure the smooth progress of the strategy. The major deployment of the rural revitalization strategy covers a wide range of aspects, such as economic construction, ecological protection, livelihood guarantee, institutional innovation, talent introduction and so on, all of which call for the rule of law to provide legal basis for its implementation and effectively promote and escort it. Therefore, in the process of building the "three governance

and integration" rural governance system, the rule of law, as an important link, is the basic means of the rural revitalization strategy, and also an important basis for the implementation of the strategy.

B. Realistic Demand

(a) Conducive to Solving the New contradiction in Rural Development

Since the principal social contradiction in China has been transformed into a problem between unbalanced and inadequate development and the people's demand for a better life, this is reflected in the low quality of agricultural products supply and the unsuitability of farmers' labor force for market competition in rural governance. And the rule of law is the best means to maintain social order, through accurate distribution of rights and obligations to ensure that all subjects perform their duties, properly solve various conflicts and disputes, and ultimately achieve effective rural governance situation.

(b) Helpful to Standardizing the Rural Governance Mechanism

Taking the rule of law as the basic way of rural governance is helpful to standardizing the rural governance mechanism, ensuring that the vital interests related to farmers are guaranteed, and promoting the sound development of rural economy, politics, culture, society and ecology. In the process of implementing the rule of law, the operation of grassroots organizations and the exercise of power are gradually constrained by law. Through village committees, rural members participate in and manage public affairs, prevent and fight against crimes, maintain harmonious public order in the countryside, and finally realize the revitalization of the countryside.

III. THE DILEMMA OF THE RULE OF LAW IN RURAL GOVERNANCE

Since the founding of the state, the process of rule of law in rural China has been comprehensively promoted, and a relatively complete rule of law governance system has been gradually formed. However, along with the development of rural society, the transformation of China's main contradiction, the development of rural rule of law has many new requirements, so it also faces some new difficulties.

A. The Legal System of Rural Governance is Imperfect

On the one hand, compared with the developed countries that started earlier, there are still many gaps in rural legislation that need to be filled, and current laws and regulations related to agriculture and countryside are far from enough. In our current legal system, only "Organization Law of Villager Committee" has stipulated part of rural governance in laws and regulations related to agriculture and rural areas. The law stipulates the composition and responsibilities of village committees, villagers' self-governance and democratic supervision, which provides a certain legal basis for realizing the rule of law in rural China. But in addition, a comprehensive system of legal norms for rural governance has not yet been formed in our country.

On the other hand, a series of laws and regulations on

implementing the construction of rural rule of law are difficult to keep up with the pace of The Times, and the legal content has a certain lag. Some laws and regulations formulated by local governments play a very limited role in the actual governance practice.

B. Rural Rule of Law Culture Atmosphere is Weak

(a) The Main Body of Farmers lack the Consciousness of Rule of Law

Compared with cities, due to the local tradition of farming culture, the foundation of the rule of law is unstable, and villagers are not very sure of the authority of the rule of law. According to a survey of contemporary villagers in some developed and agricultural provinces, more than half of the villagers still believe that human relations will affect the ultimate judicial justice. There are village rules and regulations to restrain villagers and maintain village harmony in order to maintain autonomy. However, unlike national laws and regulations, these rules do not specify clear requirements and consequences for behavior, and are aimed at stopping harm rather than punishing it. The villagers' cultural level is relatively low, and live together in the same environment for a long time, influenced by blood relationship and patriarchal concept, in the encounter of problems or disputes, taking into account more is the sense of the world and ethics, so as to choose to calm the people, or find the village committee, the third party mediation, not willing to safeguard their rights and interests through legal means. In the current actual situation, the villagers often think that the law is far away from their lives, the successful use of legal resources hold a negative attitude, so the legal consciousness is indifferent, the lack of self-awareness of rights protection.

(b) The Participation of Villagers in Rural Governance is not High

In the concept of villagers, rural governance is the task of village cadres and the government, which has little to do with themselves. It is common for villagers to lack a sense of collective participation and contribution, which leads to insufficient participation of villagers in rural governance. Some villager group meetings and villager representative meetings are often unable to be held due to insufficient number of participants. Even the presence of insufficient number of participants, participation is not enough to continue to carry out such process illegal phenomenon. Villagers consider village committee meetings unimportant and will only attend them if they have time. At the same time, villagers also treat the right to vote casually, and often give up on-site voting for various reasons. Villagers are the subject of rural autonomy, and the general lack of subject consciousness of villagers has become a key factor affecting the process of rural governance under the rule of law.

C. The Development of Public Legal Services is Faint

Compared with urban areas, legal resources in rural areas are quite scarce. Due to the loss of rural elites, the "hollowing out" phenomenon of grassroots society is serious, and there is a serious shortage of legal professionals. At the same time, our grassroots court and public legal service institutions basically only reach the county level, occupy the larger proportion of

population in the township area, its public legal services such as notary, arbitration, consultation and other backward development. Along with the continuous development of economy and politics, the continuous advancement of the rural policy of rule of law, the villagers' awareness of rights gradually awakens, the legal needs gradually increase, the pursuit and maintenance of individual rights and interests need more legal advisory institutions and professionals to help.

D. Supervision Mechanism is not Perfect

The rule of law in rural areas not only needs the serious implementation and implementation of rural grass-roots cadres, but also the villagers' democratic supervision is essential. For rural grassroots social governance, the state has not formulated too many written laws, and the formulation of village rules and regulations and self-governance regulations lacks necessary norms and supervision procedures, so it is often manifested as insufficient coercive force and binding force. Small and large affairs in the village are usually decided by the way of gathering people to negotiate, and there is no corresponding supervision mechanism, which also provides convenience for a small number of people to seek personal gains. The supervision of Party committees in some towns and villages is a mere formality, and the evaluation mechanism has not been fully implemented. At the same time, the lack of punitive measures and punishment intensity are not conducive to the establishment of rural restraint mechanism, unable to produce legal authority, difficult to regulate and restrain the behavior of grassroots cadres.

IV. THE OPTIMIZATION STRATEGY OF THE RULE OF LAW IN RURAL GOVERNANCE

In view of many factors hindering the rule of law in rural governance, it is necessary to explore strategies to optimize and promote the rule of law in rural regulations, the authority of the rule of law and the public legal service system.

A. Improving the Rural Legislation and Institutional System

Firstly, legislation should be strengthened and relevant provisions on handling rural conflicts and regulating the distribution of interests should be incorporated into binding legal documents. At the same time, the relationship and scope of powers and responsibilities between two committees and the grass-roots government and other governance subjects should be clarified during the legislation, so as to make their division of labor clear and cooperate with each other, so as to ensure the effect of rural governance with the state compulsory force. In the formulation of village rules and regulations, there should be a strict formulation procedure, combined with local customs, traditional culture and the actual level of development, to revise and update the outdated and backward relevant regulations that are not conducive to rural development.

Secondly, reasonable village rules and regulations should be incorporated into the legal system, focusing on the connection and integration with national laws. The parts in conflict with the national law should be amended, and the value concept of procedural justice should be implemented while paying attention to the effectiveness of governance, so that the new

village rules and regulations based on the rule of law can become an important supplement to the national legal system while obtaining the support of the national law.

B. Strengthening the Culture of Rule of Law

(a) Strengthening Legal Education for Villagers

First of all, we should strengthen publicity and education of the rule of law policy and culture in rural areas, and encourage the whole people to study the law through regular activities to popularize the law in villages and the establishment of rule of law groups. We can use the way of case statement to let the villagers understand the relief function of law, realize the authority and persuasion of legal relief means, and popularize the knowledge of legal proceedings, so that the villagers understand the ways and means to use the law to safeguard their legitimate interests.

Next, we should increase the government's investment in the construction of the rule of law culture in rural areas. Grassroots government staff should ensure the implementation of policies, use the Internet, short videos and other modern information technology channels to publicize national policies and systems, spread legal knowledge, promote the rule of law culture, and improve the villagers' correct understanding of national policies, systems and legal resources. When necessary, hard indicators can be used to supervise, promote the implementation of publicity work and improve the effectiveness of publicity work.

(b) Improving Farmers' Ability to participate in Rural Governance

The village committee is the grassroots self-governing organization that is directly relieved from the majority of farmers in rural governance. The implementation of relevant laws is conducive to mobilizing the enthusiasm of farmers in political participation. Village committees should strengthen the publicity and education of farmers, cultivate their sense of rural governance and sense of being masters, and promote farmers to participate in rural governance as protagonists. It is possible to establish a mechanism of grassroots mass participation, expand the ways of mass participation, and encourage villagers to take an active part in the resolution of various important affairs in the village. In addition, it is necessary to strengthen the legal training of grassroots cadres and villagers, and improve the ability and level of law-based governance.

C. Introducing Professional Talents and Improving the Public Legal Service System

On the one hand, the village can formulate the policy of talent introduction, excavate the local elite with certain legal practice experience, provide rich economic and living benefits, so that they can help the villagers' legal needs. At the same time, students are encouraged to come back from the countryside and set up a legal advisory group in the village to provide legal advisory services for conflicts and disputes in the village and jointly commit to the construction of the rule of law in their hometown. In addition, the construction of the public legal service system can also make use of the endogenous strength of the countryside to adjust itself, such as including the rural sages into the team of legal service

workers. Because they are more easily welcomed and trusted by villagers, they are required to participate in the training and study of ideological and political, moral norms and professional legal knowledge, so as to promote the professional level of rural public legal service system. This program is conducive to promoting the rural public legal service system to be effectively embedded in the village, into the villagers' lives.

On the other hand, we should strengthen the establishment of public legal service institutions in rural areas, such as grassroots judicial offices and legal consulting offices, improve the construction of legal service institutions and legal talents, promote the rule of law in rural governance, and promote the harmony and stability of rural society.

D. Improving the Supervision Mechanism and Setting up an Evaluation System

Rural governance needs good legal support, and the implementation of laws also needs a sound supervision and guarantee mechanism. It is necessary to establish a supervisory team that takes the lead in abiding by the law, so as to ensure that village officials and villagers act in accordance with the law within the framework permitted by the law, and that all village affairs are carried out in an open and transparent manner in accordance with legal procedures.

In addition, grass-roots Party committees and rural grass-roots cadres should implement the responsibility list system, so that there is no power without responsibility. From the grassroots cadres illegal and disciplinary problems, the masses, the effect of the rule of law and other aspects of a comprehensive and comprehensive investigation and evaluation, and the results of the evaluation and acceptance of cadres and treatment, to play a role in the exemplary role of cadres to praise and reward, effectively ensure the implementation of the work of rural governance by law.

V. CONCLUSION

In conclusion, our country has made preliminary progress in the development of rural governance by law, and built a harmonious and orderly rural order, thus effectively safeguarding the legal rights and interests of rural residents. However, we also need to see the existing problems in the

construction of rural governance by law at the present stage, further increase innovation efforts, and comprehensively promote the process of rural governance by law.

Only through the continuous deepening of the construction of the rule of law to popularize the law to all aspects of people's life, the standardization of governance as the basic requirements, in order to form a mutual contact, interaction, mutual assistance of the rule of law development system, which has a very important significance for promoting the stability of rural construction.

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