

Research on the Paid Withdrawal Mechanism of Rural Land Contracted Management Rights - Liaoning Province As An Example

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Abstract:

Since the founding of new China, our country land system has been improved by farmers' private ownership to household contract responsibility system, with the improvement of the degree of urbanization, land system also faces some problems, which mainly involves the change of land contracted management rights, formed the land ownership, land contract rights, land management rights "three separation" system concept, and on the basis of trying to manage the contracted right of land paid exit. Advocate other eligible rural residents living in cities and towns who have certain fixed non-agricultural income, voluntarily and compensated to withdraw from contracted land management rights. This system concentrates land to a great extent, which can rationally allocate resources and promote social harmony and steady economic development. However, there are still some problems to be solved urgently, such as unclear subject boundaries, insufficient guarantee, unclear compensation, and inadequate risk prevention and control. The paid withdrawal mechanism of rural land has been piloted across the country, setting an example for the reform of Liaoning's land system.

Keywords:

Land System, Separation of Three Rights, Contracting and Management

1. The Definition of the Related Concepts

1.1. The concept of contracted land management rights

The contracted land management right of land is the right of the farmers to the land produced by the household contract responsibility system in China, which is the contracted land management right of the citizens and the collective to the state-owned land owned by the whole people or the units owned by the state.[1]Contract management right is a new type of real right reflecting the rural contract management relationship in China's economic system reform. The subject of the right is the citizen or the collective, and of course, the collective can decide whether the right is enjoyed

and exercised by the individual citizens, or shared and exercised by the family members, so as to achieve better economic purposes. [2] In addition, different types of land will have different contract periods and extended years, which will not be repeated here.

As the most basic agricultural production resource, agricultural land is the basis of production relations and the basic factor for farmers' survival. Its development status is related to people's livelihood. The development, change and continuous improvement of land system not only directly reflects the close connection between Chinese rural residents and land, but also reflects the significant impact and role of land on national progress and development from the side. It can be seen that, with the continuous development and progress of rural society, the land system also has its corresponding changes. From 1949 to 1952, land was privately owned by farmers, operated freely and was freely transferred; from 1953 to 1978, land gradually changed from farmers' private ownership to collective land ownership; since 1978, driven by various actual conditions and historical conditions, it has entered the legal and normative stage of prohibited and restricted circulation.

1.2. The concept of “the separation of the three powers”

“Separation of the three rights” refers to the situation of the separation of ownership, contracting rights and management rights and the transfer of management rights. After the third Plenary Session of the 11th CPC Central Committee, China implemented contracted management, forming the situation of “two power separation” of land ownership and land contracted management rights. With the gradually increasing mobility of rural population to urban areas, many rural residents have settled down in cities and towns and become less dependent on land, which leads to the continuous expansion of the scale of land circulation in recent years. Under the premise of national restrictions on land circulation, land circulation mode is very unstable, rural residents for the basic rights of land is difficult to get comprehensive protection, but if the country completely open to the constraints of land circulation, will inevitably form a highly concentrated land, for farmers' basic rights will bring more uncontrollable damage, and even endanger social stability.[3] Although the relationship between farmers and land is relatively weakened, the agricultural land income is still the main source of life for rural residents, and it still occupies a major role. Therefore, the land contract and management right should be handled very carefully. Some scholars have long put forward the thought of “the separation of the three rights”, to put forward the view of the separation of the three rights, and to do a lot of practice with this. [4] Under the system of “separation of the three rights”, farmers retain their contract rights and transfer their management rights. The report to the 19th National Congress of the CPC pointed out that the “separation of the three rights” should be constantly improved to adapt to the development of agriculture, rural areas and farmers.

In terms of land ownership, land contract right and land management right, it is very easy to distinguish theoretically, and it is also very easy to define, but it also has certain conflicts. First of all, the ownership, contract right and management right referred to above are all based on the land, that is to say, the above three rights are formed on a piece of land, which violates the principle of one thing and one right in the property law. And to some extent, the contract right and the management right can be considered to be two unrelated and extremely exclusive rights, which will inevitably lead to the inability to exercise the rights. Secondly, land as a real estate

can also establish a lease of the nature of creditor's rights, which in some cases may conflict with its management right. Therefore, the theoretical separation of the contract right from the management right, and the contract right, as the theoretical basis of the subject right, cannot well guarantee that the management right is well applied to practice.[5] Finally, under the theory of "separation of the three rights", the land contract right cannot be restricted. When the land contract right is separated from the land management right, the land management right can be transferred, but the land contract right cannot be transferred. There will be land contract right holders unwilling to transfer management rights, idle land and waste of land resources. Therefore, the discussion of the issue of land contract right and land management right is still ongoing.

1.3. The concept of paid withdrawal of contracted land management rights

The paid recovery of the land contracted management right refers to that when the land ownership, the contracted right and the management right are separated from each other, farmers voluntarily return the contracted land management right to the collective organization and obtain certain economic compensation, and their children no longer enjoy the right of the land contracted by the collective economic organization.[6] On the basis of the "separation of the three rights", farmers' land contract right is very stable, but the relevant land reform has entered the deep water zone, and some of the contracted land is idle and land shortage, so the paid withdrawal of land contract and management rights appears. The withdrawal of contracted land management right shall include both the transfer of land management right and the loss of contracted land management right. The withdrawal of land contracted management right can be divided into the withdrawal of land contracted right and the recovery of land management right, which is also a disguised land transfer to a certain extent. From the limitations of the above "separation of the three rights", it can be seen that the withdrawal of the contracted land management right under the premise of "separation of the three rights" is to improve the efficiency of land transfer. (the "withdrawal" referred to in this paper is the withdrawal under the "separation of the two rights", excluding the right of disposal, namely the land ownership). Therefore, under the exit conditions, the withdrawal of land contracted management right has the advantages of ensuring the realization of farmers' property rights and the enhancement of land market allocation. [7]

As mentioned above, land is related to people's livelihood, farmers' production and life, as well as the stability of rural society. Therefore, the implementation of the withdrawal of contracted land and management rights must be cautious. At the present stage, the paid withdrawal of land contracted management rights by China's laws has not been really involved, and it still needs to be improved. Based on this situation, this paper will be based on the current situation of Liaoning Province, to explore the current paid withdrawal of land contract and management rights mechanism.

2. Reasons and Implementation Status of the Paid Withdrawal of Land Contracted Management Rights

On the basis of the separation of the three rights, how to adjust the relationship between people and land, stimulate the enthusiasm of farmers, and promote the rapid development of urbanization is one of the important demands of land reform. As rural residents work and settle down in cities, different from the previous situation of living

completely relying on land resources, their demand and dependence on land are gradually weakened, so they also need to constantly explore new land forms.

2.1. Reasons for the withdrawal of contracted land management rights

While promoting the “separation of the three rights” and the transfer of the land management rights, we should constantly explore the paid withdrawal mechanism of the contracted rural land management rights, with the interests of the majority of rural residents as the core. There are several reasons for the paid withdrawal of land contracted management rights:

2.1.1. Increase of human-ground separation

With the continuous improvement of the reform of household registration system, the country's urbanization degree has improved year by year and the residents' life style is constantly changing. In the rapidly developing contemporary society, with the continuous development of rural economy and the continuous improvement of rural residents' education level, most young people have moved to cities and settled in cities and towns, and have certain non-farming methods and self-sufficient income. As a result, the connection between the rural residents living in some relocated towns and farmland is gradually weakened, and the use of land is also gradually reduced. And the rural labor force reduces the farmers to use the land gradually incomplete and cannot be effectively exercised. That is to say, under the condition of fixed land contract right, the transfer of land management right is limited by the contractor. When the right holder refuses to transfer the management right and leaves idle or abandoned agricultural land, it will inevitably produce a waste of resources. The government encourages the paid withdrawal of contracted land management rights, which is conducive to the intensive use of land and saves natural resources.

2.1.2. Weakening of the function of farmland to ensure survival

In recent years, the separation of man and land has been intensified. The rural residents who have settled in cities and towns generally have their own relatively fixed and non-land economic income, and the trend of non-agricultural farmer income structure is more obvious. [8] Many farmers also do not use the income from agricultural land as their main source of income. In addition, if the present stage of each household are their own farming, the operating cost is too high, affect the enthusiasm of labor. And for rural land, its property income is far greater than farming income. Therefore, it can be considered that the “withdrawal right” of land contract and management right is a free option given to rural residents. On the basis of farmers' voluntary management, the market-oriented exit mechanism of withdrawing from the contracted land management right to realize the transfer of rights and the farmers' subject getting certain property compensation is, namely, the paid withdrawal mechanism of the land contract management right.

2.1.3. Deepening of agricultural land property rights reform

In order to adapt to the rapid development of society and the current economic situation, under the condition of “separation”, base income maximization principle and rural household registration system reform, the government encourages rural residents in urban settlement voluntarily quit the contracted management of land and compensation, with the deepening of the land property rights reform, greatly promoted the influx of urban migrant workers citizenization, can greatly promote the

orderly reform of household registration system. The withdrawal of contracted rural land management right is the result of social progress, the need of The Times, and the requirement of economic development. While improving and guaranteeing the land contract right, certain restrictions are imposed, and the obstacles to the transfer of land management right are also relatively small. Make the allocation of rural land resources reasonable and maximize the utilization rate.

2.2. The implementation status of the paid withdrawal of contracted land management rights

The paid withdrawal mechanism of land contracted management right is a new land reform method formed under the premise of “separation of the three rights”, which is closely related to the reform of household registration and the accelerated urbanization process. Our country is also constantly exploring the paid withdrawal of land contract management.

2.2.1. The current withdrawal method of land contract and management right

Before the paid withdrawal mechanism of land contract management right is proposed, there are the following exit methods of agricultural land in China: first, that is, under the law, farmers automatically quit the land contract management right; second, passive exit, third, if the elderly quit the land contract management right or work in cities but cannot solve the household registration problem, temporarily return the land contract management right. [9] In addition, the withdrawal of land contracted management right can also be divided into main withdrawal and content withdrawal, which will not be described in detail here.

At the current stage, the paid withdrawal of land contracted management rights should follow the following ways: First, the subject qualification of paid withdrawal should be clear. Land contracted management rights are the basic right for farmers to survive, and they should attach great importance to their subject qualifications to ensure that all farmers can enjoy this right. Secondly, clear land exit compensation plan. On the basis of following the voluntary principle, all localities should give appropriate compensation. Finally, clear urban and rural construction land increase and decrease link problem. Take the lead of "city leading the countryside and promoting agriculture through industry", return the benefits to rural areas for rural infrastructure construction; introduce policies and measures to reuse idle homestead to provide strong support for rural revitalization; and promote the pilot reform of rural homestead system. [10] The relevant government documents stipulate some contents of the mechanism of the paid withdrawal of the contracted land management rights, which to a certain extent guarantees the interests of rural residents, and also promotes the continuation of the mechanism of the paid withdrawal of the contracted land management rights.

2.2.2. Set up a pilot project of paid withdrawal of contracted land management rights

As for the paid withdrawal mechanism of contracted land and management rights, since the 18th National Congress of the CPC, on the basis of the gradual improvement of the urbanization degree, the discussion on the transformation of rural land management mode has been continued. In August 2015, The General Office of the State Council issued the Opinions on Accelerating the Transformation of the Agricultural Development Mode, the National Modern Agriculture Plan (2016-2020)

issued by The State Council in October 2016, and in February 2017, the No.1 document of the Central Government provided relevant guidance on the paid withdrawal of contracted land and management rights. According to the policy, farmers who voluntarily withdraw from their contracted land management rights and homestead sites should carefully use the compensation for rural collective compensation. [11,12,13] Under the guidance of the central documents, many places have carried out pilot actions to ensure the improvement and implementation of the paid withdrawal mechanism of land contracts and management rights. China has a vast territory, and the specific situation of each rural economy is very different. Therefore, the withdrawal of contracted land management rights cannot be quickly and comprehensively covered, forcibly and forcefully promoted. Therefore, in recent years, we have selected the eligible places across the country as a pilot, actively sum up the experience, constantly expand the scope of the pilot, and steadily promote the land reform.

From 2011 to 2015, under the leadership of the Central Leading Group for Rural Work, the rural reform pilot zone work association in two batches identified 58 pilot areas for pilot exploration. Around the main task of rural reform deployed by the central government, a new agricultural management system was established to lay the foundation for the development of agricultural modernization. We will explore compensation methods for the recovery of contracted land management rights, and standardize land transfer management services. [14] China has set up a third batch of pilot projects, and the Ministry of Agriculture and Rural Affairs has identified 3 provinces, 50 cities and 150 counties (cities and districts) as pilot units for rural collective property rights reform.

Liangping District of Chongqing municipality is a national rural reform pilot area, which undertakes the pilot task of rural land system reform. As early as 2016, Liang Ping took the lead in carrying out the pilot reform of the withdrawal of contracted land management rights nationwide, exploring the withdrawal mode of contracted land management rights. Liangping has superior natural geography, good agricultural basic conditions, and prosperous and peaceful rural areas. It is a national demonstration area for the comprehensive development of rural industries, a national pilot zone for rural reform, and a major national grain producing area. In recent years, Liangping District, based on its regional advantages and industrial characteristics, has implemented the “millennium fertile land” project, vigorously promoted the construction of high-standard farmland, and achieved guaranteed harvest, high yield and stable yield of rice in drought and flood. In 2020, the total output value of agriculture, forestry, animal husbandry and fishery in Liangping District was 9.143 billion yuan, and the per capita disposable income of the rural permanent residents was 18,210 yuan, higher than the national average level and ranking the second in the city[15].

2.2.3. Explore the current situation of paid withdrawal of land contracting and management rights in Liaoning Province

In 2016, the General Office of the CPC Central Committee and the General Office of the State Council issued the Opinions on Improving the Measures for the Separation of contracted Rights and Management Rights of Rural Land Ownership, proposing to improve the laws and regulations on the separation of the three rights rights, and actively carry out the paid withdrawal of contracted land management rights.

For the implementation of the hair [2016] 67 spirit, in 2017, the general office of the Liaoning provincial party committee, the general office of the Liaoning provincial people's government issued the notice of promoting rural land ownership separation in parallel, to ensure the separation of rural land ownership, contracting and management of parallel orderly implementation, combined with the actual situation of Liaoning province, put forward some opinions. In terms of ownership, implement collective ownership of rural land; improve the identification of rural land collective ownership; support farmer collective recovery and adjustment of contracted land according to law; standardize land collective contracting; support farmer collective exercise of supervision. In terms of contracting rights, farmers' contracting rights should be stabilized. No unit or individual may infringe upon farmers' rights to contract collective land according to law. Complete the confirmation, registration and certification of the basic rural contracted land by the end of 2018; fully implement the collective forest and grassland contract management system, strengthen the allocation, use and management of the land expropriation compensation expenses; mobilize the enthusiasm of the contracted farmers, improve the production conditions; and carry out the pilot work of paid withdrawal of the farmers' contract rights. In terms of land management right, positive and effective measures are taken to promote the transfer of land management right and improve the economic development. The notice has a strong guiding significance to evaluate the current work from the three aspects of ownership, contract right and management right. [16]

At present, although Liaoning province has not yet set up a pilot project for the paid withdrawal of land contracted management rights, our province has already been prepared for the paid withdrawal of land contracted management rights. In the spirit of accelerating the transformation of the agricultural development mode, and actively promote the province to accelerate the transformation of the agricultural development mode, The General Office of the Liaoning Provincial People's Government pointed out in a report that "steadily promote the pilot paid withdrawal of land contract right, and support the pilot reform in Shenyang, Haicheng and other pilot areas". [17] Since then, it has continued to promote the improvement of the system, carried out the pilot work of paid withdrawal of farmers' contract rights, and guided the pilot areas to explore the conditions of withdrawal, compensation amount, and land recovery methods.

3. Problems Existing in the Paid Withdrawal of Contracted Land Management Rights

Land contracted management right and rural household registration reform system complement each other and inseparable. With the continuous enhancement of urbanization, the reform of the household registration system and the change of contracted management rights meet the needs of economic and social development. The majority of farmers hold a positive attitude towards the household registration reform, and they are very willing to settle down in cities. However, most rural residents do not agree with the paid withdrawal of contracted land management rights. Thus it can be seen that the withdrawal mechanism of contracted management rights still has urgent problems to be solved.

3.1. Poor boundaries arising from the nature of rights

Fundamentally speaking, the contracted land management right is a kind of private property right based on public ownership. Due to the particularity of its nature, there

are some constraints on the withdrawal of the contracted land management right. Land is owned by the state or collective (this discussion mainly involves collectively owned land) and is a collective economy. As a collective economy, of course, the individual farmers should divide the collective property, but sometimes the right of land disposal is unclear, and the membership of the collective assets is uncertain. When implementing this policy, the above issues must be clearly understood; and the subject qualification and the scope of rights, “what is voluntary”, and “how to define and guarantee farmers’ voluntary exercise of rights” must be strictly defined.

3.2. Insufficient guarantee caused by regional differences

China has a vast expanse of land, with 34 provincial administrative areas, and the natural environment, local conditions and customs are different, which leads to the very different situation in the rural areas of China. Contract management right is related to every rural resident and every collective organization. There is a major interest relationship, which needs to be quite cautious when dealing with it. However, as far as the current situation is concerned, due to the great differences in different conditions, the guarantee for the withdrawal mechanism of contracted management rights is insufficient, and because the voluntary withdrawal mechanism is paid, governments at all levels will also have an imperfect social security mechanism and population resettlement difficulties. In areas where the material base is relatively lacking, it may be more difficult to implement.

3.3. Compensation formed by the value evaluation is unclear

Land, as the basic means of production and living, has an extremely important position in the hearts of the older generation of farmers. The paid withdrawal mechanism of rural land is a new policy and reform method that has great benefits to farmers’ life, rural stability and social development. Most people will show their concern about the withdrawal of contracted land and management rights. For example, people with no other stable income worry about insecure living conditions, inconsistent government compensation, or increased land value-added value. [18] Among them, the most important contradiction is still focused on the government compensation problem. At the present stage, due to the large differences in rural basic conditions, different population bases, and different financial conditions of various governments, the national unified compensation standard has not been formed. Therefore, there is no unified standard and standard policy and compensation standard, which is the problem of land compensation, which makes the majority of farmers worry about uneven compensation and one price.

3.4. Institutional conflicts caused by the lack of procedures

The paid withdrawal mechanism of land contract and management right is a brand-new land system formed under the "separation of the three rights". However, precisely because of its novelty and pioneering existence, there are still some problems in its specific implementation and application of law. There are also some differences in the attitudes of various legal people and scholars towards this policy, and the farmers have doubts about the withdrawal of the contracted management right, which makes the cognition of the paid withdrawal mechanism of the contracted management right inconsistent. Therefore, this policy is very feasible in theory, which can not only solve the waste of resources caused by the current low utilization rate of agricultural land, but also promote the rural household registration reform system and improve the

degree of urbanization. But in reality, without complete legal support and dispute resolution procedures, there are difficulties in implementation and farmers have no choice, so it is necessary to summarize the experience and constantly improve it in the pilot provinces and counties.

4. The Problem of Paid Withdrawal of Contracted Land Management Rights Was Solved

The paid withdrawal of the land contract and management right is formed under the guidance of the economic benefits of certain historical conditions. It is proposed on the basis of a large number of farmers flowing to cities and towns and the formation of the “separation of people and land”, and is determined by certain historical conditions. On the basis of the “separation of the three rights”, the paid withdrawal mechanism of the contracted management rights is proposed, which can not only improve the utilization rate of agricultural land and homestead land, but also meet the needs of the urban residents, and truly realize the desire to realize the property of the land. But some of the problems discussed above will be discussed here.

4.1. Follow the principle of voluntary service to clarify the subject boundaries

The paid withdrawal mechanism of land contracted management right is carried out on a voluntary basis. Therefore, it is an important way to guarantee the realization of rights to protect rural residents under the control of autonomy, and to clarify on the basis of the subject status of rights. First of all, the government should play its leading role in conducting field visits and investigations when conditions permit. As a new system of the paid withdrawal of land contracted management rights, the majority of farmers may not be very familiar with the system, or doubt the authenticity of the system, the implementation of the system. In addition, with the continuous improvement of the quality of life, farmers' demand for land may also be different from the past, and the voluntary withdrawal of land contracted management rights may not be different. Therefore, government departments at all levels should actively visit various rural areas under their management, or select certain samples for research, effectively understand the needs of farmers, and respect the wishes of farmers to the greatest extent. Secondly, a contracted management right of land, as a relatively basic right enjoyed by farmers, has certain property attributes, identity attributes and management attributes. That is to say, the contracted management right of the land, as a real right has a certain property nature, and must be the entity rights enjoyed by the specific rural residents. The ownership of the land is owned by the rural collective or the state. When promoting the withdrawal system of the land contract management right, it should be clear that the ownership of the land and whether the contracted management right belongs to the right holder applying for withdrawal, and whether the right holder applying for withdrawal belongs to the collective rural economic organization and whether it enjoys the contracted management right. In other words, we should strictly clarify the subject and the scope of the object of the right, and avoid the occurrence of the collective or other land as their own land or fake members of the collective economic organizations to withdraw the land for compensation. So for the protection of rights should attach great importance to, can be before the implementation of the contracted management right of the land, register, clear land contracted management person subject qualification, on the basis of the contracted management right of the land to have the qualification of the paid exit the right, and clear the boundary between the land, avoid the contracted management right of the

same land on two and more of the situation of the rights. Finally, the factors affecting the decision of the withdrawal of the right holder from the contracted land management right should be fully considered, such as the degree of occupational differentiation, income differentiation, whether they have participated in the endowment insurance, the number of family labor force, the education level of the householder, and the conditions of withdrawal, etc. Different factors have different directions on the withdrawal of land contracted right and land contract right and land management right. For example, the professional differentiation of the right holder enjoying the land contracted management right has no obvious impact on the withdrawal of land contract right, but it has a positive impact on the withdrawal of land management right. On the basis of fully understanding the right subject, follow the principle of voluntary rights, encourage them, and promote the orderly paid withdrawal of land contracting and management rights.

4.2. Give full play to the role of the government to improve its guarantee function

As mentioned above, rural residents generally hold a positive attitude towards the household registration reform system, while the majority are opposed to the paid withdrawal of the corresponding land contract and management rights. As a big agricultural country, the number of farmers in China has been actively large since ancient times, and the rural residents accounted for 80% in the early days of the founding of the People's Republic of China. It can be seen that the rural development situation determines the development speed of the country to a certain extent. For farmers who rely on land, land is the only source of living and the premise for maintaining basic survival. Even though most farmers have a certain non-agricultural income, the situation of relying on land is still in the mainstream. If the withdrawal mechanism of the contracted land management right is implemented, it means that the people participating in this activity need to return the contracted land management right to the collective, resulting in the loss of the right to control, use and benefit the land, thus resulting in no guarantee of living and living. To solve this situation, first of all, should strengthen the poor, scarce areas out of the contracted management of rural residents living security, after its voluntary exit from the contracted management, the government or the village collective maximum guarantee the life of the contracted management, make it play a certain role in the collective organization, the government should improve the social security mechanism such as endowment insurance, increase the intensity of social security for rural residents, to a certain extent improve the social security treatment for rural residents have no worries. Secondly, due to the withdrawal of the contracted land management right, most rural residents may be unemployed, and the current non-agricultural income is not enough to support their normal life. Therefore, it is necessary to promote the re-employment of rural residents who have withdrawn from the contracted management rights, and to carry out special small recruitment activities or establish recruitment websites for rural residents, to provide them with sufficient positions for them to choose, and to solve the problem of reemployment of rural residents. Finally, in the difficult situation of population resettlement situation, if the population has no place to go after withdrawing from the contracted management right, the government should concentrate on statistics and take measures. And for the withdrawal of the homestead to give housing compensation, to meet the living needs of farmers. If the above guarantee measures for rural residents to withdraw from the contracted land management right can be fully implemented, it can not only solve the current existing problems of residents, but also play an incentive role for the right holders who have

not quit the contracted land management right or worry about the guarantee problem, so that they are still in the wait and see. Only with sufficient social stability and sufficient security can the system be better implemented.

4.3. Promoting collective development to improve the compensation mechanism

With the continuous development of society, the property interests of land gradually exceed the previous dominant income benefits. In the paid withdrawal of the land contracted management right, the word “paid” is truly related to the interests of rural residents, which not only contains the property compensation of the land contracted management right, but also contains the fairness and justice, the source of compensation. Therefore, the compensation mechanism for the withdrawal of land contract and management right is also the aspect of the most faced problems. First of all, as a property right, the most important thing is to clarify what the property is, how much, and who it belongs to, that is, the subject and content of the compensation should be clearly defined, the right holder of the contracted land management right should be confirmed, and the scope of the compensation required should be clearly defined, so as to ensure that the right holder can get the compensation corresponding to the rights enjoyed. Secondly, due to the imperfect local system, there is no certain amount requirement for the amount of compensation, which is easy to cause the unfair distribution of compensation. Therefore, according to the municipal financial situation of governments at all levels, a unified compensation system should be established to reduce the rural residents’ doubts about the problem of “with the same land and different prices”, so as to achieve a win-win situation between the government and the majority of farmers. Finally, due to the vast territory of China, different regions and different economic conditions, some relatively poor areas may have problems such as the shortage of compensation funds. Governments at all levels should take the initiative to raise compensation funds to ensure the source of funds and ensure sufficient funds for the paid withdrawal of contracted land management rights. The compensation funds can come from the rural collective economic organizations themselves, that is, after the rural residents voluntarily quit the contracted land management rights, by the rural economic organizations that enjoy the land ownership for compensation. The central and local governments may also allocate funds to encourage rural residents to actively withdraw from their contracted land management rights. At the same time, it can also promote the establishment of new agricultural business entities to raise compensation funds. The new type of agricultural subject is of great significance for accelerating rural development and promoting farmers' employment and income. Therefore, the improvement of the compensation mechanism is of great significance to the implementation of the withdrawal of land contracted management right, which should be attached great importance to.

4.4. The control degree of conflict for risk prevention

As a new system, the concept and advantages of the paid withdrawal of land contract and management rights are not understood by the broad masses of the people at the present stage. It is always faced with farmers do not understand the concept of the withdrawal mechanism, and their benefits for themselves and rural development, and the enthusiasm for the participation of this system is not high. At the same time, it is very difficult to solve the rights disputes arising from the withdrawal of the contracted right to land management, because there is no special organ or department to mediate. There are also problems such as inconsistency in the form and way of exit.

To solve these problems, first of all, should strengthen the farmers' legal consciousness, in conditional circumstances, the government should exit the concept of the contracted management of land, way and benefits to actively explain, encourage farmers to participate, and encourage the establishment of agricultural business entities, increase farmers' income, make it see the actual benefits of the system, also can be set up excellent demonstration area, make its leading role, actively promote rural residents to participate in the right of the contracted management of land out. Secondly, procedures for dispute settlement should be established. As a new policy, the occurrence of large or small disputes cannot be avoided in the implementation process, which may be the dispute between the government and individual farmers, and may be the dispute between individual farmers. The content of the dispute can include not only the land boundary dispute, but also involve the identity of the right subject, and there may be compensation disputes. Therefore, improving the dispute settlement mechanism is an essential part. In the case of disputes, it can be mediated by special departments, which provides a good guarantee for the subject of rights. Finally, because the paid withdrawal mechanism of land contracted management right is a new system formed on the basis of economic development, its legal norms are not very perfect, thus leading to the chaos of right withdrawal during the implementation. For the chaos of the withdrawal procedure, a step-by-step opening mechanism can be adopted, such as the current situation in the country, select more appropriate areas, gradually set up pilot projects gradually, sum up experience, gradually improve the paid withdrawal procedure of the land contracted management rights, and comprehensively promote the paid withdrawal mechanism of the land contracted management rights.

5. Legal Thinking and Enlightenment

The paid withdrawal mechanism of rural land is the result of the comprehensive consideration of China's rapid economic development, the substantial improvement of urbanization, the obvious improvement of farmers' knowledge level, and the maximization of land resources utilization. It is a more suitable land reform in line with China's current development needs. China's land has experienced the change from farmer private ownership to complete collective ownership to collective ownership of household contract responsibility system, from the initial ownership and contracted management right to ownership, contract right and management right, all in the form of law to protect the vital interests of rural residents to the greatest extent. For the paid withdrawal of rural land contracted management right, it has different withdrawal forms and withdrawal degrees theoretically. Although the paid withdrawal mechanism of rural land has not been specifically implemented in Liaoning province, we have seen a lot of progress and ideal conditions in the national pilot scope, such as Shandong, Sichuan and Chongqing. It is hoped that in the near future, the paid withdrawal mechanism of rural land will continue to develop and improve in Liaoning Province, bringing new opportunities for national development, government stability and farmers' happiness!

Conflicts of Interest

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