

# Research on the Path of Legal Rural Construction under the Modernization Scope of Governance System

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## Abstract

Since the party put forward the "agriculture, rural areas and farmers" issues and the rural revitalization strategy, we always take it as a key work, and to realize the modernization of rural governance is an important guarantee to do these work well. As an important part of rural governance, the construction of rural rule of law is of great significance for realizing the comprehensive rule of law and realizing the modernization of national governance system. Through the investigation and research, it is found that the rural construction of the rule of law still faces some problems, such as the insufficient supply of legal system, the way of law has not become the preferred way to solve the problem, and the lack of legal talents, which restrict the development of the rural construction ruled by law. Therefore, it is necessary to view the current situation of rural development, understand the actual needs of farmers, actively solve problems, and deeply explore the realization path of the rural construction by law.

## Keywords

Modern governance system; Legal rural construction; Rural revitalization.

## 1. Introduction

The 19th National Congress of the Communist Party of China put forward the "rural revitalization" strategy and emphasized "improving the rural governance system that combines autonomy, rule of law and rule of virtue". In 2020, the Rule of Law Commission of the CPC Central Committee issued the Opinions on Strengthening the Rural Construction under the Rule of Law, which made a comprehensive deployment for the overall plan and specific requirements of rural construction based on the law from the level of institutions and regulations, pointing out a clear direction for the path optimization of legal rural construction. With the continuous advancement of the construction of legal countryside, the problems faced in the process of the construction of legal countryside are also constantly emerging. It is urgent to conduct in-depth research from the theoretical level and put forward some targeted countermeasures to promote the modernization of the governance system.

## 2. Basic Connotation of the Rule of Law in Rural Areas

Understanding the basic connotation of law-based countryside is the prerequisite for promoting the construction of law-based countryside. As a principle and way of social management, the rule of law is an important part of the construction of political civilization, with the foundation of highlighting democracy, the implementation of law as the key point, and the restraint of power as the hub. Village is a spatial regional system, a regional complex with natural, economic and social characteristics. While focusing on the development of rural nature, economy and society, it also injects the characteristics of the rule of law, which is a regional complex to promote the promotion of various rural affairs according to law. The village ruled by law is rooted in the Chinese cultural gene and adheres to the concept of governing villages

by law. It also realizes the innovation and development of local rule of law elements, reflecting the mutual integration of locality and modernity.

### **3. Value Significance of Rural Construction under the Rule of Law**

#### **3.1. An Important Basis for Comprehensively Realizing the Rule of Law**

To realize the comprehensive rule of law is an important symbol of China's democracy and the rule of law and progress. To develop the socialist market economy and achieve long-term social stability and lasting national stability, we must ensure the comprehensive rule of law. At present, China's development is still very unbalanced, and there is still a certain gap between urban and rural development. The rule of law in rural areas is the weakest link in the process of rule of law in China. Therefore, the most fundamental, fundamental, key and difficult work to comprehensively governing the rule of law is in rural areas. During the deliberation of the Qinghai Provincial delegation at the fourth Session of the 13th National People's Congress, General Secretary Xi Jinping stressed that "To comprehensively promote the rule of law and modernize the country's national governance system and governance capacity will work at the grassroots level." [1] in the new historical period, continuing to accelerate the construction of the rule of law countryside is the inevitable requirement of the comprehensive rule of law.

#### **3.2. Promoting and Providing the Necessary Guarantee for Rural Revitalization**

The rural revitalization strategy proposed at the 19th National Congress of the Communist Party of China is a major transformation of China's economic and social development mode. This strategy requires innovation in the new rural governance system and taking the road of good governance in rural areas. The Opinions of the CPC Central Committee and The State Council on the Implementation of rural Revitalization Strategy pointed out that "for rural revitalization, effective governance is the foundation", and the [2] of "modern rural social governance system guaranteed by law" should be established and improved. Rural revitalization is a systematic project, is the rural economy, culture, ecology and other fields of comprehensive development, the rule of law of rural construction by consolidating poverty crucial achievements, standardize the rural management system, strengthen rural ecological protection, safeguard the legitimate rights and interests of farmers, etc., make the rural revitalization work has a strong legal system, thus steadily advancing under the track of the rule of law.

#### **3.3. Maintaining the Inevitable Requirements of Rural Social Harmony and Stability**

The harmony and stability of rural society is related to the vital interests of farmers and the long-term development of the country." The construction of the rule-based model of rural grassroots governance can give full play to the advantages of the rule of law governance, is conducive to the creation of a stable and harmonious sustainable social environment, is conducive to the creation of a peaceful, orderly and efficient social development space, and is more conducive to the realization of the new goal [3]. "In the new era, the comprehensive poverty alleviation has achieved a great victory, the rural social economy has made great development and progress, farmers have a higher pursuit of a better life, when various conflicts, disputes and demands are constantly emerging, farmers' awareness of rights protection is also constantly improving. Promoting the construction of law-based villages can enhance the villagers' thinking and awareness of the rule of law to a certain extent, so that the villagers can intentionally solve various complex conflicts and disputes through legal channels, so that their legitimate rights and interests can be effectively safeguarded. It can be seen that the construction of rural rule by law can resolve the contradictions and disputes of rural society, so as to maintain the harmony and stability of rural society.

## **4. Realistic Difficulties and Reasons for the Construction of Rural Areas Under the Rule of Law**

### **4.1. The Dilemma of Rural Construction Ruled By Law**

#### **4.1.1. Farmers' Legal Awareness Is Generally Relatively Weak**

With the continuous development of rural society, coupled with the country's increasing attention to the rural rule of law work, farmers' legal awareness has been greatly improved compared with before, but on the whole, it is still relatively weak, which is mainly reflected in the study of law and usage. From the farmers own research method, farmers due to cultural level is not high, the ability and way of research method is limited, lead to the lack of learning legal knowledge enthusiasm and initiative, coupled with the relevant government departments in the franco-prussian education and propaganda work, language obscure, content is not targeted, way single boring, etc., etc., the enthusiasm of farmers research method, and enthusiasm has a certain influence. From the point of usage, the country is an acquaintance society, the villagers are very pay attention to human touch, the village inherent customs and traditional ethics is deeply rooted in the villagers' thoughts, the villagers in disputes, considering the favor and face, and afraid of trouble, more inclined to find the prestige of the village old man to mediation, even some people used to take violent means to solve, make the legitimate rights and interests of farmers cannot get strong protection.

#### **4.1.2. Rural Laws and Norms Need To Be Completed**

The construction of rural areas ruled by law needs to rely on a sound system and norms to guarantee. Since the 18th National Congress of the Communist Party of China, laws and regulations on agriculture, rural areas, and farmers have been increasing. The Party and the state have successively formulated some relevant policies and systems, including the Law on Rural Land Contracting, the Agricultural Law, and the Law on Rural Revitalization Promotion. But on the whole, the number of agricultural and agriculture-related laws and regulations in China is not sound enough, and the quality is not perfect enough. For example, the laws such as the protection of land-lost farmers and the special laws such as the mediation of farmer disputes are not perfect, and the existing legal level is relatively low as [4]. Some systems and norms are relatively abstract and difficult to understand in content, with vague concepts and weak targeted features, which do not meet the actual development needs of the rural areas involved.

#### **4.1.3. Lack of Talents For Law-Based Rural Construction**

In the new era, talent is the key to promote the construction of the rule of law in the countryside. However, at present, the aging phenomenon of grassroots cadres in Chinese rural areas is more serious, and the lack of young blood in the legal rural construction team, and the problem of hollowing out is more prominent. These grass-roots veteran cadres themselves have a weak concept of the rule of law. When dealing with some conflicts and disputes in the villages, they often follow some traditional old methods, old thinking, and lack of the rule of law thinking. In addition, the governance ability of grassroots cadres is also uneven, many cadres hold several positions, even if they have the awareness of the rule of law, but the professional level of the legal knowledge is not high, in providing legal services is often insufficient experience and limited ability for the villagers. Plus the gap between urban and rural development, rural areas mostly choose to go to urban development after graduation, few are willing to return to participate in the construction of his hometown, although the current rural college students village official, to a certain extent, alleviate the absence of grassroots legal service personnel, but they are low treatment, poor environment, rarely adhere to grassroots work for a long time.

#### **4.1.4. The Rural Public Legal Service System Is Not Sound**

With the continuous development of rural economy and culture, farmers' legal awareness has been improved compared with the past, and there is some demand for public legal services. The government has also actively promoted the work of "one village (residence) and one legal adviser", established rural legal service contact points, and built a legal service hotline platform. However, due to the shortage and uneven distribution of resources, weak talent force, insufficient funding guarantee and other reasons, there are still insufficient supply and low level of rural public legal services, which cannot fundamentally meet the actual needs of farmers. Many existing rural public legal services have low public awareness rate, weak pertinences and high legal aid standards, resulting in low utilization rate. Therefore, most farmers who really need legal help cannot effectively use legal means to safeguard their legitimate rights and interests.

### **4.2. The Main Obstacles to the Construction of Rural Areas Ruled By Law**

#### **4.2.1. Deeply Influenced By Traditional Culture**

China's feudal society of thousands of years was a society ruled by man. Influenced by the traditional Confucian culture, the feudal rulers paid more attention to the specialization, moral development and compassion of man. In China, today's developing socialist democracy, the thought of rule of man still exists to some extent, especially in the vast rural areas. Rural is an acquaintance society, the villagers are very pay attention to human kindness, pay attention to, the development of the harmonious relationship between neighbors, in encountering some disputes, they in line with "for you", "fortune" and "good face" concept, often choose to use the traditional rural ethics and have authority in the village elders to resolve disputes. Fei Xiaotong, a famous sociologist, believes that the order of rural society is maintained by "rites". "The so-called ritual governance is the honor of the traditional rules." [5]. No litigation is a common characteristic of China's rural society, and its order does not need to be maintained by a legal system. It is under the influence of this cultural atmosphere and traditional concept that the villagers are relatively indifferent to the rule of law.

#### **4.2.2. The Cultural Level of Construction Is Not High**

The main body of the construction of rural areas ruled by law is the majority of farmers and grass-roots cadres, which need the joint efforts of everyone. In rural areas, most of the people's cultural level is low, and there are even a lot of illiterates and semi-illiteracy, their overall quality is generally not high, know the law is very rare. Due to the limitation of knowledge level, farmers have a little knowledge of some legal documents even if they read them, and deeply feel obscure and difficult, which leads to their enthusiasm to study the law and usage is not high. However, the cultural quality of many grassroots cadres is also generally not high, rarely undergoing professional training and education, and their professional legal knowledge is quite scarce.

#### **4.2.3. Economic Strength in Rural Areas Is Weak**

The economic development of rural areas determines the effectiveness of its rule of law construction, and the construction of rural rule of law needs to consolidate the material foundation to ensure its steady progress. The lack of legal education for farmers stems from their low level of culture, which is closely related to the backwardness of rural economy. Our country is an agricultural country, most of the development of rural areas is lagging behind, there is still a big gap between urban and rural development, farmers' income is generally not high, when encountered some disputes, even with the will of law, after considering some economic cost and time cost, farmers to legal way can only be prohibitive. In addition, the distribution of judicial resources in most rural areas is uneven, or even quite scarce, and the

funds of public legal services are seriously insufficient, which greatly hinders the pace of legal rural construction.

## **5. Optimization of the Path of Rural Construction Under the Rule of Law**

### **5.1. Strengthen the Publicity Work of Law Popularization in Rural Areas**

Farmers are an important subject of rural areas and the core force to promote rural development. The construction of legal rural areas cannot be separated from the active participation of the majority of farmers. In order to improve the enthusiasm and initiative of farmers to participate in the construction of the rule of law, we must enhance the farmers' legal awareness and strengthen the publicity of the law. First of all, we should improve the working mechanism of legal publicity and education. In-depth training and education on legal knowledge of village cadres, according to the "who enforce the law who popularize the law", "who manages who popularize the law", "who serves the implementation of the enthusiasm of the publicity system, so that the atmosphere and the concept of the rule of law in rural areas become a popular and deeply rooted in the hearts of the people. Secondly, we should make clear the content of legal publicity. In the new era, to promote the constitution and the civil code and other basic laws, and according to the objective reality, thorough propaganda is closely related to rural social production and living, can meet the needs of farmers laws and regulations, to pay attention to the procedure law, the people's mediation law propaganda, make the villagers to understand and master the legal channels and procedures to solve disputes, more effective use of legal means rights. Thirdly, the way of law popularization and publicity should be innovative. In today's era of wide application of new media, the channels of legal publicity are also broader. The construction of rural areas ruled by law should keep up with the pace of the development of The Times, make full use of various online media platforms with a wide understanding of public opinion, and publicize them in an easy to understand way that is popular with the people.

### **5.2. Improve Rural Laws and Norms and Systems**

To strengthen the construction of rural rule of law in the new era, we must rely on complete rural legal norms to guarantee. Rural legal norms need to adapt measures to local conditions, in-depth field research at the grass-roots level, fully understand the actual needs of farmers, to ensure that it has practical significance, and must not be divorced from the local actual situation. On the basis of revising and improving the existing legal norms and policies and systems, we should also follow the principle of scientific and rational nature, and formulate the legal norms and policies and systems that are really needed by the villagers, in line with the interests of most villagers, and in line with the development of The Times. Perfect village rules and regulations are an effective guarantee to standardize the villagers' life and realize the villagers' autonomy, which can form a good atmosphere in the countryside and maintain the harmony and stability of the countryside. Therefore, it is also necessary to strengthen the formulation, modification and improvement of village rules and regulations, and to form a rural governance system integrating autonomy, rule of law and rule of virtue.

### **5.3. Strengthen the Construction of Rural Legal Personnel Team**

One of the important conditions and tasks for promoting the construction of law-based countryside is to strengthen the training of legal talents. First of all, we should pay attention to the training of grassroots leading cadres on the rule of law, enrich their legal knowledge, improve their concept and quality of the rule of law, and regularly assess grass-roots cadres, so as to encourage them to take the lead in respecting, studying, abiding by and using the law. Second, to develop good talent introduction policy, according to the real demand, introduce a batch of legal talents with professional knowledge, establish a rural legal service team, enhance the ability of legal practice, improve the quality of rural legal services, but also pay attention to

improve the basic legal talent salary and life security, ensure that the rule of law in the talent introduction, can retain talent, to realize the long-term development of rural rule of law construction.

#### 5.4. Improve the Rural Public Legal Service System

A perfect rural public legal service system is an important part of the rural construction under the rule of law. Improving the rural public legal service system can start from the following work: First, to strengthen the construction of the rural public legal service platform. To make full use of Internet media, do good network services, and improve the awareness rate and utilization rate of villagers; fully build rural legal service hotline platform, so that villagers more convenient use of public legal services; each village community set up legal service points, provide one-stop legal service window, provide convenient service for villagers to conduct nearby legal demands. Second, we should continue to improve the rural legal counsel system, do a good job of "one village, one legal adviser" work, and expand the coverage of legal aid, to improve more professional public legal services for the villagers, and to open up the "last meter" of legal services to benefit the people.

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