

Legal Issues in the Process of Rural Urbanization under the Rural Revitalization Strategy

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Abstract

The 19th National Congress of the Communist Party of China proposed the rural revitalization strategy, which fully shows that the Party and the country attach importance to the rural revitalization work. This paper takes the legal problems in the process of rural urbanization development as the perspective. In order to better promote the construction of rural revitalization, the author studied four aspects of rural planning, people's livelihood, environmental protection and law popularization, and discussed the rural planning, the construction of people's livelihood security system, the protection of rural tourism environment and the legal popularization of rural grassroots services.

Keywords

Rural Revitalization; Rural Planning; People's Livelihood Guarantee; Environmental Protection; The Franco-Prussian.

1. Basic Cognition of Planning Legal Issues in Rural Urbanization Construction

The construction of beautiful countryside is inseparable from good rural planning, which plays a very important role in the development of rural urbanization. The concept of rural planning refers to the overall deployment and arrangement made by the state in combination with social and economic development status and specific construction requirements, in order to achieve better development of rural areas, comprehensively considering land distribution, ecological environment, resource utilization, sustainable development and other factors in rural areas[1]. In the process of rural planning, there may be the situation of planning extension. The meaning of planning extension is not only the regional planning of the countryside outside the town, but also the overall planning and construction of the village from the planning level, which is a specific operation implemented with long-term goals and construction needs. From the perspective of law, problems related to planning in the process of rural urbanization are mainly observed and analyzed in the following aspects:

1.1. Legal Protection is not Comprehensive

At present, in the legislation of rural planning, the Regulations on the Planning and Construction Management of Villages and Market Towns are still the guiding regulations in principle. The regulations are out of date, so the rural planning lacks legal confirmation and guarantee. Although the Urban and Rural Planning Law has been promulgated, there is still urban centrism in the countryside. The content of township planning added in the Urban and Rural Planning Law reflects the concept of overall urban and rural development, but it is only an abstract macro guiding strategy[2]. In the actual implementation of relevant laws, regulations and policies, no matter administrative regulations, departmental regulations or local normative documents, urban planning is still placed in the central position, and there is a lack of legal norms specifically targeting rural planning.

1.2. The Compilation Work is not Standardized

The start procedure of rural planning cannot be carried out independently. It is driven by the start of county-level planning, so its compilation work is also carried out passively, and it cannot be independently and targeted to start the compilation work of related issues. Moreover, there are no specialized provisions on the relevant procedures of rural planning compilation, which leads to the disorganization of procedures such as examination and approval, permission and modification and related technical standards of compilation.

1.3. The Supervision Mechanism is not Perfect

In order to strengthen supervision of rural planning and construction, The State Council issued the Notice of The State Council on Strengthening supervision and Management of Urban and Rural Planning, but it was too general for rural planning and did not play the substantive role of supervision. Relevant administrative subjects are still mainly cities and towns. There are no specific and effective measures to deal with the comprehensive control, examination and approval, licensing, modification procedures and clear responsibilities of supervision and inspection of rural planning, and the supervision mechanism is in urgent need of improvement[3].

1.4. Insufficient Policy Support

Insufficient policy support is mainly reflected in insufficient government investment and encouragement policies. What level of economic development gap between rural and urban area, level of economic development to a certain extent, also affect the specific work, the planning of villages and implement can't depart from the support of government funds, local governments to encourage policy seriously insufficient, the financial capital spending directly restricts the rural planning process.

1.5. Propaganda and Guidance Work is not in Place

For a long time, the "dual" situation of urban and rural areas in China has made both government officials as administrative subjects and ordinary people in rural areas feel strange to rural planning, and there are biases and deficiencies in their cognition of rural planning. This shows that the popularization of law education of ordinary people needs to be further strengthened, and the concept of popularization of law of rural planning supervisors and managers needs to be further updated, so that the publicity work of rural planning receives due attention[4].

2. Rural Revitalization Strategy and the Construction of Rural Livelihood Security System

2.1. The Rural Social Security Problems

1. The rural social security system is not perfect

China's rural social security system is not perfect, incomplete defects, so the development of rural social security is also limited, delayed the rapid development of rural economy to market economy smooth forward pace. The rural social security system has a wide range of contents, including rural endowment insurance system, rural medical insurance system and minimum living insurance system. Although different rural social security systems have different contents, but their purpose is the same, is to protect the legitimate interests of the masses.

2. Social security and economic development are not in step with each other

The goal of China's economic development is not to pursue temporary development, but to pursue long-term sustainable development. In the process of China's economic development, social security has played an indelible role in assisting. At present, China's economic

development mode is still intensive economic development mode as the trend, social security is still based on social insurance, which makes the social security system more and more not adapt to the contemporary social situation, the multi-level social security system is particularly important[5].

3. Absence of relevant legislation

If the social security system wants to achieve good development, the support of national laws and policies plays an important role, but at present, the legislation of the social security system is not in place, the relevant legal system is lacking, and the existing laws and policies of social security are outdated, which makes it difficult to carry out the social security work in China continuously and efficiently.

4. Non-standard management

At present, the rural social security work is managed by the health, civil affairs, labor and social security departments of the government, but the funds of social security are controlled by special government departments. That is to say, the management of rural social security is not a single management, but multi management, is a diversified management situation, the management situation is greatly lacking. This not only affects the implementation of relevant policies, and rural social security can play a minimal role in farmers. In accordance with the international practice, the collection, management and use of rural social security funds need to be separately arranged, not confused with management, but most rural areas are laissez-faire management, without restrictions, resulting in a lot of omissions in the management of social security funds.

2.2. Targeted Strategies to Solve the Problem of Rural Social Security in China

1. Improve China's rural social security system

The protection of farmers' legitimate interests needs the rural social security system to provide policy support and guarantee. Therefore, the improvement of rural social security system is particularly important. Specifically, the improvement of rural social security system can be carried out from the following two aspects: First of all, we should promote the overall coordination as soon as possible, and clearly divide the work functions and powers, work responsibilities and work scope of each department, so that members of the department have a clear division of labor, each performing their own duties, so as to enhance the effective coordination and management of the social security work of each department. Secondly, to the social security of endowment insurance, medical insurance, unemployment insurance, industrial injury insurance, maternity insurance and the minimum living security fund for the corresponding management.

2. Ensure that economic growth and social security are mutually reinforcing

Over the years, the level of economic development has been closely linked to people's living standards. With economic development and progress, the happiness index of people's living standards has also increased in direct proportion. In the new era of rapid economic development today, economic development and social security has a close relationship, so the country takes the people as the center, in the economic development does not forget to protect and improve people's livelihood[6]. On the one hand, we can make the economic benefits of economic development for the social security use, can put the economic development of the capital added social security work to implement, and to strengthen the social security work to implement to promote the transparency of the supervision and administration, let the people involved, in the process of concrete work, listen to the views of the masses of the people. On the other hand, we should also pay attention to the complementarity of social security work and economic development. To give full play to the auxiliary role of social security work, social security can also promote economic development to a certain extent. The two are not separated

from the opposite relationship, only combined with each other, can better promote the healthy development of social economy.

3. Speed up the legislation

First of all, the general direction of the social security issue still needs the central government to plan the overall situation, grasp the general direction, and strive towards the goal of formulating a complete and universal law. In view of the current social endowment problems in the definition of more complex and difficult to operate in practice, it is necessary to clarify the rights and obligations of various social endowment problems, in practice to explore deeply and carefully, for the follow-up rural social endowment insurance system to lay a solid foundation. Secondly, the imbalance of economic development in rural areas is not a temporary problem, but a persistent problem for a long time. Therefore, in the process of formulating a series of laws and regulations, relevant bodies should combine their own specific conditions, comprehensively consider various factors, refer to the actual experience of different successful areas, take measures according to local conditions, treat different situations differently, and establish a multi-level, multi-dimensional, grounding gas and specific situation matching social security system[7].

4. Improve the rural social security supervision system

To establish and improve the supervision system of rural social security is an effective measure to improve rural social security. To this end, we should first work hard in the management, standardize management, and strive to achieve unified and efficient management, and remove the situation of multiple management and their own affairs; Secondly, in strict accordance with relevant policies and laws, according to the actual situation of farmers in rural areas, specific, appropriate and accurate guidance should be implemented by local governments with goals; Finally, the relevant rights of the government should be strictly supervised to ensure that the operation of power is open, fair and transparent. At the same time, villagers can also put forward relevant suggestions based on the basis of the supervision work, so that the supervision work of government power can be as comprehensive, standardized and law-based as possible.

3. Study on Environmental Law in the Process of Rural Urbanization

3.1. The Present Situation of Rural Environmental Pollution and its Influence

1. Pollution of rural production activities

First of all, the traditional farming methods still exist in vast rural areas, coupled with poor environmental awareness of farmers, resulting in improper use of chemical fertilizers in rural areas caused soil agglomeration, soil organic matter decline, accelerate the impoverishment of soil, low crop yield and quality; Secondly, the abuse of pesticides not only affects soil and crops, but also pollutes water sources, destroys the balance of water and reduces aquatic life in surface water. These damages in all aspects will undoubtedly harm our own health.

2. Pollution of villagers' living activities

In rural areas of Our country, the disposal of household garbage is a major problem. Facing the hundreds of millions of tons of household garbage produced every year, how to effectively deal with it is still a debatable problem, and there is no good governance measures at present. Most of them choose to dig pits in the suburbs or dump in abandoned ditches, lakes and rivers, resulting in very bad environmental consequences, not only the smell is fuming, the air quality is poor, and mosquitoes and flies breed, causing a very adverse impact on the surrounding natural environment and landscape.

3. Rural industrial pollution

After the reform and opening up, China's economy has developed rapidly. With the realization of China's industrialization, township enterprises have brought a great impact on rural economic development, alleviated the employment pressure of rural surplus labor force, brought huge economic benefits to local finance, and changed the previous situation of poverty in rural areas. But the vast majority of rural township enterprises in their own development process, but also to the rural environment has brought adverse negative impact[8]. To be specific, there are the following three reasons: First, some rural enterprises are family enterprises with small production scale, backward production technology, blind pursuit of economic benefits, lack of environmental awareness, the rate of pollutant treatment does not reach the environmental protection standards, and turn a blind eye to the behavior of polluting the environment; Second, the environmental protection supervision work of the government in rural areas is not strict enough, the sewage engineering is not qualified, pollution control ability is poor, eager for quick success township enterprises ignore, inactive, inaction; Third, the villagers' awareness of environmental protection is weak and their awareness of safeguarding their rights is poor. Based on the above reasons, China's rural industrial pollution is becoming more and more serious, more and more sources of pollution sources, and more and more pollutants are discharged. The proportion of industrial pollution in rural environmental pollution is also rising, and it has become the main source of serious environmental pollution in some rural areas.

3.2. Remedial Measures for Prevention and Control of Rural Environmental Pollution

1. Close legal loopholes

For the prevention and control of rural environmental pollution, the most powerful solution is to rely on legislation, from the legislative level to formulate corresponding solutions. For example, according to the actual situation of rural environmental pollution, we can distinguish the types of pollution sources and improve the prevention and control planning for different types of pollution. Carry out pollution cause investigation and environmental quality analysis, so as to add special chapters and special sections on the specific work of rural pollution prevention and control planning.

2. Strengthen planning supervision

First of all, law enforcement bodies play a very important role in the planning and treatment of environmental pollution prevention and control, and the work responsibilities and responsibilities of relevant bodies are particularly important. Therefore, it is necessary to carry out unified deployment and detailed arrangement, and clarify the division of labor and cooperation between each law enforcement body; Secondly, specific planning should be carried out and relevant departments should take the lead in organizing the compilation of planning, and specific work arrangements should be actively organized for the investigation, detection and evaluation of rural environmental pollution prevention and control; Finally, it strictly supervises the implementation of the permit system, examination and approval procedures and corresponding environmental protection standards for rural pollution prevention and control planning, severely cracks down on the behavior of granting administrative permits that do not meet the conditions, and assumes corresponding legal responsibilities.

3. Implement the basic principles of the Environmental Protection Law

First, we must give priority to protection, give priority to prevention, and combine prevention with treatment. Firstly, we should do well the work of environmental protection consciousness of villagers in rural areas and improve their awareness of environmental protection. Secondly, we should improve the prevention mechanism of pollution prevention in advance. Finally, find out the causes of all kinds of pollution problems in rural production and life, and then carry out targeted source control. Through a series of solutions, such as multiple utilization of waste,

carry out comprehensive pollution control work. Second, actively promote the "environmental impact assessment" system and the "three simultaneous" system. "Environmental impact assessment" system is a very important system for the treatment of environmental pollution, "three simultaneous" system is China's original, combined with the current situation of China's environmental management with Chinese characteristics and effective environmental management system. Therefore, to solve the problem of rural environmental pollution, we should strictly implement environmental impact assessment system and "three simultaneous" system[9].

4. The Work and Predicament of Popularizing Law in Rural Basic Legal Service

4.1. Current Situation of Law Popularization in Rural Areas

In the report to the 19th National Congress of the CPC, it was proposed to accelerate equal access to basic public services and solve the problem of unbalanced resources for basic legal services between urban and rural areas[10]. But, according to the survey in rural areas the franco-prussian education effect is general, the majority of poor farmers' legal consciousness is weak, even if a small number of farmers know legal name and the content of the simple, also can understand through legal channels to solve the problem, but for the actual rights is not familiar with the process, more don't talk to use legal weapons to defend their legitimate rights and interests.

4.2. The Difficulties in Rural Legal Popularization

The first is the rural grassroots legal service workers access threshold is not high. As long as they have a technical secondary school culture and pass the local unified examination, they can obtain the qualification, so the quality of rural grassroots legal service providers needs to be improved.

Secondly, the income security of rural grass-roots legal service workers is not enough. Rural grassroots legal services are public welfare, and certain costs are charged when handling cases. Although these costs can maintain the normal operation of rural grassroots legal services, their low income sources cannot meet their living needs.

Secondly, the nature of rural grass-roots law is lack of unity, there is still no legal norms, no unified, clear legislative provisions.

4.3. Measures to Adjust Legal Services at Rural Grass-roots Level

The focus of the adjustment of law popularization in rural areas is to change the behavior of preaching and propagandizing laws and regulations in the past. Only by letting farmers truly understand the spirit of law from their personal experience can they truly believe in and Revere the law. Therefore, in the process of legal education in rural areas, we should pay attention to the analysis of legal provisions based on empirical cases. We can publicize more laws related to agriculture, rural areas and actual life to farmers, and publicize more legal relief procedures, so that villagers can truly understand the law and enhance the awareness of the rule of law while being willing to abide by the law and abide by legal rules.

5. Conclusion

New development opportunities, under the background of new era, the country's revitalization strategy, will be a long time in the future lead rural development, rural areas will be under the guidance of new development strategy for more development opportunities, great changes will happen, in the process of rural urbanization cannot leave of governments at all levels and their

departments in accordance with the law, standardize law enforcement, strict law enforcement, Thus promote rural law enforcement scientific, standardized.

At the same time, it can be clearly seen that rural urbanization is a long process, which cannot be accomplished overnight. Corresponding work needs to be done at all stages, and the basic position of rural urbanization construction in the country's overall rural construction needs to be more emphasized to ensure the reasonable implementation of grassroots law enforcement. In this way, we can build a beautiful village with thriving industries, beautiful ecology, rich people, effective grassroots governance and lasting inheritance of local culture and civilization.

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