

Research on Right Boundary Legal Issues of Farmland Separation of Ownership Rights in Civil Code of the People's Republic of China

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Abstract

The Civil Code separates rural land ownership, contract right and management right, forming a new pattern of "three rights separation", which is another important institutional innovation in rural land reform after the household contract responsibility system. However, in the process of the implementation of the separation of the three rights of agricultural land, the rights of ownership, contract right and management right are not clear enough, and the boundary of rights is fuzzy, which makes the implementation of the separation of the three rights of agricultural land face many obstacles. This paper discusses the evolution process, connotation, nature and boundary of the policy of separating the three rights of agricultural land, aiming at clarifying the right boundary of ownership, contract right and management right of agricultural land, implementing the "separation of the three rights" and promoting the development of rural industries.

Keywords

Separation of Ownership Rights; Rural Land Reform; Land Contracting Right; Land Management Right.

1. Evolution of China's Policy of Farmland Separation of Ownership Rights

During the 40 years of reform and opening up, great changes have taken place in rural China. As the main form of agricultural production, the household contract responsibility system has aroused the enthusiasm of farmers to the greatest extent and greatly promoted the development of agriculture. However, with the rapid development of urbanization and industrialization, a large number of rural labor force has been transferred to urban employment, and the agricultural production mode of traditional small-scale peasant economy has changed. Therefore, the contradiction between man and land and the demand for the transfer of agricultural land have promoted the further reform of rural land property rights system. Under this background, China's land property right system gradually adjusted from "two rights separation" to "three rights" separation.

In December 2013, General Secretary Xi Jinping further elaborated on the idea of separation of the three powers at the Central Conference on Economic and Rural Work. In 2014, the No. 1 document of the CPC Central Committee, Several Opinions on Comprehensively Deepening Rural Reform and Accelerating Agricultural Modernization, formally proposed the policy of separating rural land ownership rights, contract rights and management rights. The Newly adopted Civil Code of the People's Republic of China in May 2020 confirms the separation system of the three rights of rural contracted land and stipulates the three rights of rural contracted land from the perspective of property right.

2. Connotation of Farmland Separation of Ownership Rights

2.1. Content of Three Rights

2.1.1. Collective Ownership

Collective ownership is ownership. Collective ownership is the basis of the rural operation system. Land collectives have the right to possess, use, profit from and dispose of collective land owners according to law. But as a result of collective ownership has a strong public law attribute, it does not have private law in the sense of emphasis on individual discretionary content, more show the disposition and supervision content: set consulting, abolished the contract right to comprehensive control of farmland, in strict compliance with laws and regulations when adjustment and back to the contracted land, and to supervise the usage of contracted land. In other words, collective ownership cannot be completely equivalent to ownership in private law, and its significance is more embodied in the state's control of land and regulation of land use order, rather than focusing on making profits through ownership.

2.1.2. Farmer's Contracting Right and Land Management Right

First of all, academic circles have different views on the nature and content of peasant household contracting right and land management right. Some scholars believe that peasant household contract right is the right of membership, which is mainly manifested as the right of possession, disposal, inheritance and withdrawal, while land management right is the usufructuary right, which is mainly manifested as the right of cultivation, use, income, mortgage and equity. Starting from the nature of land contract management right itself, some scholars believe that farmers' contract right and land management right are both usufructuary right, but the contents of the two rights are different. Farmers' contract right is manifested as the right to maintain contracting status, the right to separate consideration, the right to collect compensation, the right to inherit, and the right to withdraw. The management right of land is the right of the independent management right of contracted land and the right to mortgage or become a shareholder. Some scholars believe that we can refer to the qing Dynasty's land bottom right and land surface right to carry out institutional structure of peasant household contract right and land management right.

Secondly, "separation of the three rights" is a reconstruction of rural land property rights, and mainly for the reconstruction of land contract management rights, we should start from the function of "separation of the three rights" to define the right nature of farmers contract right and land management rights. The "separation of the three rights" must be based on the adherence to the collective ownership of rural land, safeguard the interests of farmers, use the market to allocate land resources, improve the overall utilization rate of land, and develop agriculture, so as to achieve the multiple objectives of ensuring the red line of cultivated land, national food security, and realizing the large-scale operation of agriculture. If the member right, the right to contract farmers simply delimited, enable farmers contract right may be reduced to the point of the lack of real property right content, so as to damage the interest of farmers, in addition, the land contract right from the right to the contracted management of land separated only by the farmers' rights, known "is right to the contracted management of land usufructuary right" the right to contract farmers usufructuary right is defined. From the perspective of the acquisition mode of land management right -- subcontract, lease, exchange, mortgage, equity, etc., land management right is closer to creditor's right, and according to the principle of real right law, land management right has not been incorporated into the real right of the current legal system, so it should be defined as creditor's right. However, the function of land management rights is to enable the management rights of farmland to enter the market circulation, give play to the market allocation of farmland resources, and introduce investment capital to develop agricultural scale management in rural areas. If the land is defined as

creditor's rights, then because of farmers is to the right to contract, and land management rights only have relativity, contracting farmers can at any time in accordance with the real right to recover the land, and operators can only exercise the right of claim of default requirements contract farmers to compensate for the losses of unfavorable factors, lead to operators, make "separation division" at the end of the link is difficult to get through, The final system is difficult to achieve the desired effect. Therefore, the right of management of land should be defined as a special creditor's right -- the creditor's right of real right. Although the creditor's right is obtained by the circulation contract, the circulation contract has certain administrative control, such as the government record, the restriction of the circulation procedure of the land property right trading market, and the registration of real property right.

Finally, peasant household contract right and land management right are the right of possession, use and profit, but these two rights show different contents in possession, use and profit, with a certain level. Firstly, the content of peasant household contract right, its possession is manifested as the right to maintain the contract status and the right to recover the contracted land due; The right to use is the separation of absolute land management rights. The usufruct is the separation of the right of consideration, the right to collect compensation and the right to withdraw with compensation. Second, the land to possess, utilize, profit from the land is in the right to contract farmers so produced on the basis of the separation of right to contract land and farmers have layers, between its performance for direct possession of land possession right to the use performance of autonomy of the land and the land mortgage right and the equity; Usufruct is the right to obtain operating income.

2.2. Policy Connotation of Separation of Ownership Rights

The reform of the separation of the three rights of agricultural land is to give full play to the "sleeping" economic value of agricultural land, but it can not damage the right of residence of farmers and destroy the stability of rural society. The Decision on Some Major Issues concerning Comprehensively Deepening Reform issued in 2013 has made it clear that the reform theme of rural land transfer and increasing farmers' income should be explored. However, there are many interests involved in agricultural land, and neither collective ownership nor peasant household right to use can be harmed. The construction of the system of separating the three rights of agricultural land came into being. In addition, the No. 1 Document of the CPC Central Committee in 2018 clearly proposed the policy of separating the three rights of agricultural land, affirming that the ownership of agricultural land belongs to collectives and the right to use it belongs to farmers, and allowing conditional transfer of the right to use agricultural land among qualified members. Therefore, how to realize the economical and intensive use of agricultural land resources, give full play to the economic value of agricultural land, increase farmers' income and promote rural revitalization is the original intention of the policy of "separation of the three rights of agricultural land".

2.3. Legal Connotation of Separation of Ownership Rights

The legal connotation of the separation of the three rights of agricultural land mainly refers to the connotation of ownership, use right and qualification right of agricultural land. The Constitution, Civil Code, Land Management Law and other laws have clearly stipulated that the ownership of agricultural land belongs to collectives and the right to use it belongs to peasant households. The Civil Code defines the use right of agricultural land as usufructuary right. Under the framework of "two rights separation" system of agricultural land, the connotation of ownership and use right of agricultural land has been proved relatively mature, without too many disputes. However, in 2018, the no. 1 central document put forward the concept of "qualification right" of agricultural land. The "qualification right" of agricultural land is only a policy language, while the expression of power and capability is a form of expression of legal logic. Therefore, in order to realize the sublimation of policy language to legal language and

ensure the stability of law, it is necessary to clarify the legal connotation of "qualification right" of agricultural land.

At present, domestic experts and scholars have different views on the legal connotation of the right of qualification, mainly including "membership right", "right of use" and "residual right". The theory of membership represented by Song Zhihong holds that the right of qualification is not a new concept, but a qualification for farmers to obtain agricultural land. By virtue of their status as members of collective economic organizations, peasant households have the right to apply for and obtain agricultural land from the collective. Xi Zhiguo as the representative of the "right to use", believes that the right to the qualification of agricultural land is separated from the right to use agricultural land, the essence of the expression of the right to use agricultural land. Since the new era requires moderate release of the right to use agricultural land, in order to better protect farmers' right to use agricultural land, expand farmers' right to profit from agricultural land, separate the concept of qualification right. The theory of residual right represented by Li Fengzhang holds that the right of qualification for agricultural land cannot be interpreted as a membership, otherwise the purpose of activating the right of use of agricultural land cannot be realized. In order to realize the economical and intensive use of agricultural land, the right of qualification for agricultural land should be interpreted as a residual right enjoyed by farmers on the right of use of agricultural land. That is, agricultural land is transferred, leased or mortgaged to others within a certain period of time, and when the period expires, the former farmer's right of use has the right to continue to use agricultural land.

2.4. Power Expression of Separation of Ownership Rights

The Constitution, Civil Code and Land Management Law provide legal basis for the expression forms of "collective ownership" and "peasant household ownership", but there is no legal basis for the expression forms of "qualification right" of agricultural land. Therefore, the complete expression form of the "three rights separation" of agricultural land must be based on the interpretation of the qualification right of agricultural land.

There are three explanations of the qualification right of agricultural land: membership right, use right and surplus right. There are also three expressions of the three rights of agricultural land. Yin Jialing believes that the agricultural land qualification right is a kind of membership, which can be directly converted and used without wasting legislative resources. According to the view of membership right, the expression form of "collective ownership + peasant household use right + membership right" should be established. Liu Guodong added the concept of secondary use right from the view of use-right theory, and expressed the right of separation of the three rights of agricultural land as "collective ownership + peasant household use right + secondary use right". The doctrine of right of use interprets the qualification right as a right of use. If the direct use is against the principle of "one thing, one right" of property law, so by referring to the German "secondary right" system, a new secondary right to use to effectively solve this problem, is conducive to the expression of the deep meaning of the policy. Zhang Xinchao believes that if the basic principle of ownership of agricultural land remains unchanged, a new secondary right of use without identity attributes should be derived from the right of use of agricultural land enjoyed by farmers, which should be named as the right of management of agricultural land, so that the three parties can finally share the right of agricultural land. The mode of power is as follows: collective economic organization enjoys ownership + peasant household enjoys right to use + social subject enjoys right to operate. The theory of membership interprets the right of qualification as a kind of membership, which cannot completely realize the policy purpose. The right of use theory interprets the qualification right as the secondary right of use, which is suspected of enlarging the right of use, and is not conducive to the protection of peasant households' right of residence. The theory of surplus right interprets the

qualification right as the surplus use right of agricultural land, which violates the law by liberalizing the circulation of agricultural land. The interpretation of the right of qualification should take the three theories into consideration, not simply the membership and the right to use, and then directly adopt the concept of the right of qualification in the form of the expression of power. In this way, we can not only guarantee rural households housing, but also moderately expand the use rights of agricultural land, and save legislative costs.

3. Right Nature and Boundary of Farmland Separation of Ownership Rights

Collective land ownership as a legal type of real right, its right nature has been clear. However, the contract right and land management right of farmers under the separation of the three rights of agricultural land still remain at the policy level, but have not risen to a clear legal right. The contract right and land management right of farmers in the policy are not legal concepts, so they cannot be deconstructed or new legal rights based on this. Based on different interpretations of the policy of separation of the three rights of farmland, the academic and practical circles have put forward different opinions on the legal connotation of peasant household contract right and land management right. The situation of different opinions is directly caused by the lack of consensus on the main line of the reform of the new farmland right system of property.

3.1. Nature of Land Contracting Right

Land contract right is the right of the obligee to legally possess, use and benefit the contracted land. Opinions on the Separation of the three rights of farmland affirms that collective land contract rights belong to peasant families. This shows that peasant household contract right belongs to the usufructuary right derived from collective land ownership, and its essence is the use and domination of the contracted land by the right holder, rather than the qualification of collective members to contract the land with the nature of status right. According to the basic logic of real right occurrence, the mother right of usufructuary right established on collective land is collective land ownership, and the establishment of peasant household contract right is the main way for peasants to exercise collective land ownership. Compared with the farmer collective, the farmer individual has dual identity, both as a collective member of the collective land ownership, and as an independent individual to legally enjoy the contracted land possession, use and corresponding right to profit. Peasant household contract right has property value, and the right holder can choose to use the farmland to gain income by himself or realize his rights and interests through setting and transferring the land management right. Although the peasant household contract right is the property right, its circulation is bound to be restricted by the social security function, and it is based on this that the land management right is necessary to appear. Land management right can be set up again to strengthen the property attribute of peasant household contract right. However, by stabilizing the contract right, the efficiency of the agricultural land system does not need to sacrifice the interests of collective members to enjoy the land fairly, which is the innovation of the "separation of the three rights" compared with the "separation of the two rights".

Farmer contract right to property rights rather than identity rights, although only have the collective membership can apply to the this collective contract right, members of the collective identity of main body status of the right to contract farmers obtain internal conditions, but members rights have nothing to do with the latter's ontology, right to contract will be considered as a specific qualifications for members of the core elements of rights exist the following system disorder:

First of all, the membership right is not a sufficient condition for collective members to obtain peasant household contract right. First of all, the setting procedure of contract right is that peasant household puts forward an application to peasant collective to ask for contract right, peasant collective signs a contract with applicant, contractor obtains contract right. The membership right is only the qualification to participate in the contract and obtain the contracted land, but the right holder cannot directly and realistically control the contracted land, and whether he can get the real right of the contracted land on the spot is still uncertain. Under the law and policy of "no more land for life, no less land for death" during the contract period, even if the new population has membership, it is not necessarily able to obtain the land contract management rights. Secondly, the main body of collective membership is individual farmers, but not for farmers. However, under the household contract mode, the contractor of collective land is peasant households rather than collective members. That is to say, the subject of contracting right is farmers rather than individual collective members. Even if the individual members of the contractor lose the collective membership, the contractor still cannot recover its contracted land share. It can be seen that there is no necessary connection between collective membership and contract right.

Secondly, it may endanger the stability of farmland contracting relationship to identify peasant household contracting right as member right. In China's current legal system, there is no clear provision on the connotation, acquisition and effectiveness of collective membership (membership), and the acquisition of membership is based on the identification of membership or qualification. In practice, the identification of collective membership belongs to the category of farmer collective autonomy, and the farmer collective or village committee has almost the final discretion for the identification of collective membership. Once the right of membership is taken as the basis for the acquisition of peasant household contract right, the peasant collective is likely to deny the right of land contract right on the grounds that the land contract right holder does not have the membership, and then infringe the legitimate rights and interests of individual farmers. At the same time, peasant collectives or village committees may destroy the stability of contracting relations by adjusting the identification standards of membership. Therefore, the separation of independent contract right with the nature of member right from the original usufructuary right lacks both legal basis and practical necessity.

Finally, the identification of farmers' contracting rights as member rights will inevitably cover their property rights and affect the allocation efficiency of farmland resources. The policy goal of separating the three rights of farmland must be carried out with the disposal of property rights, which means that under the background of separating the three rights, farmers' contracting right must not only be transferable property rights itself, but also provide the basis and premise for the continuation of new property rights. Member right based on the happening of membership, with membership of all, with identity attributes, not correspond with the existing property rights, as a member of the core power of the right to participate in the management of apparently does not belong to the real right, also do not tally with the creditor's rights in the content and effect, belongs to a kind of "rights" organized, its some kind of legal relationship is not formed by the obligee alone, But through the joint influence of the right holders, the common will becomes possible. The design of peasant household contract right based on the membership right will inevitably strengthen the latter's identity attribute and create obstacles to load new property rights to them, which not only goes against the inherent demands of the rights-property system of agricultural land, but also goes against the generation of new farmland rights, and will fundamentally hinder the realization of the policy goal of separating the three rights of agricultural land.

That in fact, the member right of the collective ownership at the determination of the scope of subject need legislation to the legal status of the farmer collective and farmers' collective membership standards to day is, it belongs to the category of "the implementation of

ownership", and is not a true meaning of "stability" right to contract, the contract right is equal to members of the collective rights of farmland separation the misreading of the policy.

3.2. Nature of Land Management Right

Land management right is the right of the right holder to possess, cultivate and obtain corresponding income within a certain period of time. On the premise of protecting collective ownership and peasant households' contracting rights in accordance with the law, equal protection shall be given to the land management rights acquired by operating entities in accordance with transfer contracts to ensure their stable operation expectations. The transfer of land management rights by contracted peasant households shall not prevent the operation subjects from exercising their lawful rights. Accordingly, land management right should be derived from peasant household contract right and have equal legal status with the independent property right.

Originated from the new agricultural land property rights, lack of enough awake and aware, the understanding of the nature of land also differences, form the following three main points: "all right said." that right is not a single specific rights, but is various, including right to the contracted management of land, the floorboard of the farmland use rights. "Two rights theory" holds that, based on the provisions of article 37 of rural Land contract and contract Law, the nature of management rights varies with different forms of land transfer, among which transfer and exchange produce transfer of contracted management rights, which has property right nature, while subcontract and lease do not produce transfer of land contract rights, which has creditor's right nature. The theory of creditor's rights holds that the right of management and the contractor are a legal relationship of creditor's rights, which are more constrained by the Contract Law. The right of management is generated based on the intention of the land transfer contract, so the right is obligatory right, not real right.

First of all, defining land management right as land use right does not help to promote the implementation of the policy of separating the three rights of farmland. Perfect. this system in our country, the "land" is not a specific property rights, on the concept of the connotation, extension and categories of legal sense, etc., also did not form a clear pass, said the "land" in the "land management law" has multiple meanings, such as article 11, paragraph 2 of the "construction land use rights" shall mean "collective construction land use rights", The term "use right" or "land use right" in articles 11, shall mean "construction land use right", while the term "land use right" in articles 12 and 16 generally refers to various rights to use land. The property law is not to "land" as the property of the legal types, but in "usufructuary right" shall refer to the relationship between real right of land use, in order to "" the right to use construction land" agricultural land use right to the contracted management of land easement "refer to different use of the purpose of usufructuary right, under the real right legal doctrine, Land use rights can no longer be found in the Property Law. It has no practical significance to identify the land management right as the land use right covering various types of land rights, which does not produce knowledge increment, and is not conducive to the clarification and implementation of the policy on the separation of the three rights of agricultural land.

Secondly, the conclusion of "two rights theory" does not accord with the internal logic of rights operation. Land contract management right is a legal and independent right, and the transfer and exchange of the right are the overall disposal of the right by the right holder, which cannot produce new types of rights. The theory of "two rights" simply determines the nature of land management rights by the way of acquiring the rights of the opposite party in the contract, which does not constitute an explanation of the legal nature of land management rights and does not help to advance the research of this theory.

Finally, positioning the nature of land management right as creditor's right will inevitably reduce the inherent significance of the separation of the three rights of farmland. First, the right

of management stops at creditor's rights, which is not conducive to the realization of large-scale agricultural land management. If the right of management is only a creditor's right, it has no legal effect against the third party. The cost of management risk and risk prevention and control will inevitably increase. At the same time, the large-scale agricultural land management realized by creditor's rights mechanism is also subject to the subject's opportunistic behavior, and the legal rights of the subject are easily infringed. Second, the operation authority is defined as creditor's right, which is not conducive to the realization of the financing function of farmland right, and is not conducive to the suppression of the moral hazard of farmland managers. In the case of transfer of farmland creditor's rights, not only does the right of farmland set by this not conducive to the credit basis of financing, but also the right holder may engage in predatory and destructive production in pursuit of short-term benefits. In order to avoid management risks, operators will not make long-term investment in farmland, which will inevitably hinder the improvement of farmland utilization efficiency.

3.3. Discussion on the Boundary of Rights

Land circulation is a kind of contract relativity, benefit is the key to the assignee to consider problems, therefore, need to land management rights can assign to enhance its attraction to the assignee, otherwise the land management of the new regulations made by the new law of rights can only exist so written, cannot fall to the ground in practice, lost its value. In accordance with the "rural land contract law" the provisions of article 46 and 47 land management rights of the assignee, in addition to the transfer of land to engage in business activities related to agricultural production, also has to use land management rights transfer to others and two rights in land management for financing guarantee, but the academic circles of the two rights to exercise way and nature also figured. First, the scholar thinks, "rural land contract law" the regulation of land management rights transfer again and financing guarantee not assignee decided to be independent, to implement these content need, with permission of the contractor in writing, and this situation is obviously violates the nature of the land, which does not conform to the nature of real right. In this regard, scholars put forward suggestions to solve this contradiction, that is, to give the transferee more rights, that is, it should have independent decision-making power on the transfer of land management rights or the establishment of guarantee without the contractor's consent. Secondly, what is the nature of financing guarantee? Whether it is real estate mortgage or right pledge, I have certain differences in financing efficiency. Article 9 of the new law clearly stipulates the rights after land transfer. If a farmer acts as a contractor, even if his land management right is transferred, his rights will not be dissolved, which means that he still enjoys the land contract right. But if from the perspective of legal norms, the academic community has the following different views on the nature of land contract right: first, pure contract qualification. The idea is that members of a collective organization initially acquire; The qualification of land parcel is contract right, which means that the so-called contract right is the qualification of the members of rural collective economic organization to obtain contract land initially. The second is the theory of identity property rights. Status property right is based on a certain status relationship and exists in it. According to this theory, contract right is a kind of property relationship and is jointly shaped by the property right structure and rules of a specific community. The right to return to land contract is based on the premise that the contractor has the special qualification of collective members. This right not only contains the content of property rights, but also includes the content of contracting qualifications. Third, the theory of pure residual property rights. Property rights are the nature of farmers' contracting rights. Although having the status of collective members is the prerequisite for applying for contracting rights, only when the prerequisite conditions are met can they apply for contracting rights to the collective. Although the intrinsic condition for obtaining the status of the subject of contracting rights is to acquire the status of collective members, membership rights have nothing to do with the noumenon of the latter. The nature of

land contract right is directly related to the scope of its rights, and this nature can further affect the distribution of rights between land contract right and land management right, which is an important premise to clarify the three right boundaries.

4. Outlook for Policy of Farmland Separation of Ownership Rights

4.1. With Realization of Farmland Three Rights as the Starting Point, Lay a Solid Foundation of Institution

In the future reform of the separation of the three rights of rural agricultural land, it is necessary to recognize the operation logic of the various rights attributes of agricultural land, explore the realization form and path that can adapt to the institutional environment, and make the separation of the three rights of rural agricultural land become an effective institutional supply. First, we will actively implement the ownership of agricultural land. Adhere to the dominant position of rural agricultural land ownership, give play to the role of rural agricultural land ownership in safeguarding rights and interests, adjusting the structure and realizing the value; Improve the management and service system of the grass-roots government on the premise of ensuring operability; Establish a reasonable collective participation, expression and decision-making mechanism that can stimulate the enthusiasm of farmers. Second, efforts should be made to ensure the qualifications and rights of agricultural land. Legal conflicts and solutions of establishing qualification right and real right of agricultural land; To clarify the certification standards, registration procedures, supervision measures and withdrawal schemes of the qualification right of agricultural land; of agricultural land qualification right; Establish effective incentive and restraint mechanism of agricultural land qualification right. Third, we will stabilize and release the right to use agricultural land Management-oriented realization of the right to use agricultural land: promote the transformation of agricultural land and housing from residential to production and commercial service operation, establish the corresponding operation and management system, clarify the operation scope, operation form, operation responsibility and obligation, as well as tax collection and other provisions; The realization of the right to use agricultural land mainly by circulation: explore the circulation of the right to use agricultural land through shares, leasing, cooperation and other circulation ways, clarify the circulation range of agricultural land and agricultural house, the circulation object, the circulation time limit, and build a standard transaction service platform; Financial as the main form of realization of agricultural land use right: establish financial risk control mechanism to achieve comprehensive risk control in front, middle and back, build platform operation mechanism, improve the tradability of rural agricultural land, and realize the interaction between land and financial elements; Improve the asset appraisal mechanism, revise the existing land price appraisal method and establish a reference system of the value appraisal of rural agricultural land as the subject of mortgage.

4.2. With Prevention of Reform Risk as the Fundamental Point, Protect the Farmers' Rights and Interests

In the future, the reform of separating the three rights of rural agricultural land must be based on the overall situation and take a long-term view, effectively defuse and guard against reform risks by strengthening management, balancing benefits and optimizing mechanisms, and safeguard farmers' rights and interests. First, strengthen the management of agricultural land resources. We will strictly enforce the principle of "one household, one house", prevent the indiscriminate occupation and occupation of farmland in the name of agricultural land, formulate relevant measures for illegal occupation of agricultural land, and regularly map the area of agricultural land and cultivated land. We will strengthen supervision over the use of agricultural land, establish and improve a registration and approval system for agricultural

land, and implement the "one map" mode of land inspection and law enforcement by using Internet technology. Strengthen assessment and accountability, and establish a "government-led + collective autonomy + farmer participation" assessment mechanism for farmland protection and agricultural land management. Second, rationally distribute the benefits of agricultural land. Using the game equilibrium analysis method to determine the farmers, collectives, governments, social subjects and so on in the agricultural land withdrawal from the market value-added income distribution ratio, improve the income distribution mechanism of rural collective economic organizations, strengthen the supervision of income funds; We will establish oversight and restraint mechanisms for local governments, improve the public power structure of local governments, and make decision-making more scientific and law-based. Third, we will actively improve supporting systems for reform. On the one hand, we will improve the system of paid use of agricultural land, and clarify the subject of paid use of agricultural land, the scope of application, and the fee standard. On the other hand, we should improve the system of voluntary and compensated withdrawal of agricultural land, actively encourage qualified farmers to withdraw from agricultural land, standardize their withdrawal procedures, clarify their withdrawal compensation standards, and implement diversified compensation mechanisms to protect farmers' vital interests.

4.3. With Implementation of Interconnected Reform as the Action Point, Promote the Rural Development

The future reform of the separation of the three rights of rural agricultural land should coordinate the multiple relations of "government regulation + market entities", "grassroots governance + farmers' autonomy", "rural revitalization + urban and rural development", give consideration to fairness and efficiency, implement the linkage reform of various systems, and release the reform dividend to the maximum. On the one hand, we will implement the reform of separating rural land rights, land ownership rights, and land ownership rights in tandem with reforms of household registration, fiscal and taxation systems, social security systems, and financial systems. Identify the evolution process and stage characteristics of the four related systems of household registration, finance and taxation, social security and finance, and the corresponding points of the existing reform of the "three rights separation" of rural agricultural land, and explore the internal logic of the "three rights separation" of agricultural land and the reform of the household registration system from the perspective of citizenization of the migrant agricultural population. According to the principle of "legislation in advance, full authorization, step by step to design a reasonable tax mechanism, guide the market-oriented reform of agricultural land; The coupling relationship between the reform of social security system and the reform of "three rights separation" of agricultural land was analyzed by using the multiple welfare theory. Explore the implementation path and policy construction of financial services for rural industry development; We should improve the coordination of various reform systems in rural areas, and realize that policy implementation is mutually reinforcing and the implementation results are mutually reinforcing. On the other hand, the reform of separating the three rights of rural agricultural land will be linked with the reform of rural land expropriation and the marketization of collective commercial construction land. Based on the new development stage and combined with the political economy theory of socialism with Chinese characteristics in the new era, it clarified the basic essentials of the linkage between the "separation of the three rights" of rural agricultural land and the reform of rural land expropriation and the marketization of collective profit-oriented construction land, namely, "for whom reform", "why reform" and "how reform"; A systematic analysis of the connotation relations and interaction mechanism of the "three" reform; Coordinate the relationship between government governance and market allocation, smooth the conversion channels of three types of land of different nature, and build the interest balance mechanism of

government, collectives, farmers and land users; We will elaborate plans for implementing the three reforms systematically and comprehensively, make them more systematic, holistic and coordinated, and promote high-quality development of the rural economy.

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