

Legal Practice of Rural Revitalization in China

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ABSTRACT

Rural revitalization is a national strategy of the Government of the People's Re-public of China, the main aim of which is the overall development of rural areas. In concrete terms, the aim is to bring rural areas back to a level of sustained development, so that the population regains the desire and interest to return or remain there. This will inevitably involve agricultural development, industrial development, talent support, cultural prosperity, ecological protection, organizational construction, and integration between urban and rural areas. Of course, as with any public policy, this national strategy requires a legal framework. In this case, the Law on the Promotion of Rural Revitalization, which was promulgated by the Standing Committee of the National People's Congress and came into force on June 1st, 2021, embodies the Chinese government's vision in this area, in that it sets out the contours of the strategy, while providing a framework for it, via administrative and legal control.

Keywords: Rural revitalization, Legal practice, China

1. Introduction

Aristotle and Rousseau both viewed humans as social animals, transitioning from self-centered, self-sufficient states to societal organizations based on rights and obligations (Rousseau, 1947). The state emerged as a response to the human need for evolution in hierarchical societies. It is crucial to understand the State's missions, roles, and obligations towards populations, as it is the organized society in which a population lives.

Offering better living conditions ensures overall development and sustained economic growth for a territory. Large cities often experience faster development, leading to a massive movement of people from rural to urban areas. However, abandoning rural areas is not conducive to their development, as the central government often concentrates on the capital level.

The state will implement public policies to support its development vision. Public policy is a document drafted by government players outlining their vision of an issue and the legal, technical, and operational aspects of this action. It is a program or project carried out by the government, either structural or cyclical, involving the responsibility of authorities and possessing characteristics of unequal importance (Mehriz et al, 2011). *"Les Politiques Publiques et leur analyse"* in N. Michaud (dir) « *Secrets d'Etat : principes et enjeux de l'administration publique* ». The core of any public policy statement should include the vision, problem or issue at stake, values and major principles, and ultimate objectives. Two additional components are added to this core: the instruments the government intends to use to achieve its objectives, and the technical, practical, and operational aspects of its implementation, such as the institutional framework, budgets, human and material resources, timetable for implementation, and monitoring and evaluation mechanisms. Public policy is a social and research construct, encompassing program content, normative orientation, coercive element, and social spring, referring to the decisions of actors in the public domain (Turgeon et al, 2012).

The Chinese government is promoting rural revitalization as a public policy to ensure the country's overall development. This involves committing resources and measures to ensure rural areas's development, including the establishment of a genuine legal framework. The Central Committee of the Communist Party of China (CPC) and the State Council co-published the Notice on the Implementation of the Rural Revitalization Strategy in 2017, which guides the government's activities concerning the "three rural issues": agriculture, rural areas, and peasants. The document states that rural revitalization encompasses aspects such as politics, culture, society, and ecology. The legal norm plays a central role in the implementation of public policies, providing a framework and enabling coercion in case of violation of prescribed rules (Guinchard, 2022).

Legal practice is crucial in China's rural revitalization strategy implementation, as it is an essential element of public policy and provides a legal framework for its implementation.

2. Objective of the Study

From the preceding, it is appropriate to question the place of law in China's national rural revitalization strategy. Following on from the legal problem thus posed, it is appropriate to note a double socio-legal objective in analyzing the present theme. Firstly, the legal objective is based on the fact that the legal norm continues to occupy

a central place in the implementation of public policies, as it not only provides a framework but also enables coercion to be envisaged in the event of a violation of the prescribed rules, sanction being a constitutive element of a public policy. Secondly, from a social standpoint, the objective here stems from the fact that the public policy of rural revitalization mainly concerns the social cause, in the sense that it is a question of developing and improving living conditions for people in all rural areas of China.

3. Literature Review

3.1 Legal Practice

The law is regarded as an independent science, specifically categorized within the social sciences (Tchakoua J. M, 2017). It encompasses a coherent body of knowledge pertaining to facts, accompanied by rules and theoretical concepts unique to it. Over time, it has undergone significant development, resulting in the construction of models and theoretical frameworks to establish a foundation for its subject matter. This is also the rationale behind our interest in conducting a critical investigation of its theoretical element.

Conversely, legal theory pertains to the examination and interpretation of the foundational concepts and principles of law. Among its principal doctrines, there is legal positivism, pioneered by Hans Kelsen, and natural law, advocated by authors such as François Géný.

Positivism, as a legal doctrine, acknowledges value solely in the principles of positive law while dismissing all metaphysical concepts and notions of natural law. State positivism posits that all law resides inside positive law, which is derived from and justified by the state. Jus naturalism is a legal philosophy that contends the law cannot be merely reduced to a set of artificial and contingent norms established by governmental authorities. The law is derived from philosophical and natural influences (Dalloz, 2018). The principles of legal theory manifest as the philosophical ideas that underpin it. This paper adopts a constructive perspective on the law by examining the legal framework regulating China's rural regeneration public policy.

3.2 Public Policy

Public policy is both a social and research construct. The former refers to public policy in terms of what actors decide to be in the public domain (environmental policy, for example). The second sees public policy as a set of program content, normative orientation, coercive element, and social spring.

This definition highlights the five components of public policy: content; a program; a normative orientation; an element of coercion; and a social or territorial jurisdiction. It appears that a rule of law must support and frame the implementation of a public policy. It is in this sense that the Chinese government is promoting rural revitalization with a view to the country's overall development. In its broadest sense, as defined in

Guinchard S's lexicon of legal terms (2024), the law is understood as a rule applicable to a legal situation, or to a legal relationship between individuals or legal entities, when no specific rule is provided to govern this situation or relationship.

3.3 Rural Revitalization

Rural revitalization can be understood as a public policy whereby the State commits a set of resources accompanied by measures to ensure rural areas' development. Among these measures is the establishment of a genuine legal framework to support and frame the program or strategy thus implemented. With this in mind, on February 4, 2017, the Central Committee of the Communist Party of China (CPC) and the State Council co-published the Notice on the Implementation of the Rural Revitalization Strategy, which guides the government's activities concerning the "three rural issues" (or sannong), namely agriculture, rural areas, and peasants (Lijuan, 2018). This is Document No. 1 of 2018, an expression that refers to the very first text issued by the CPC Central Committee each year. The document states that rural revitalization not only involves the economic development of villages but also covers many other aspects, such as politics, culture, society, and ecology in rural areas. This testifies to the Chinese government's commitment to implementing the public policy of rural revitalization.

4. Methodology

In an attempt to answer the problem posed, this study conducted a literature review made up of more than thirty articles and books published on the concepts of the theory of law, public policy, and rural revitalization, in international legal and scientific journals published on the subject especially.

The main selection criteria were as follows:

- have published recently;
- be a scientific journal of quality and international renown;
- be closely related to the field of legal studies.

To do this, the scientific materials were selected according to a methodological process that was essentially focused on online research. The study employed electronic tools such as personal databases, search engines such as Google Scholar to identify the articles that were associated with the keywords; Rural revitalization, legal practice, China, and so forth. Then, the study carried out a detailed analysis of the references cited in the articles and books. This study chooses to make a qualitative analysis, because the objective of this study was to analyse the role of the Chinese laws and regulations in their policy of rural revitalization agendas. Of course, this study will not go so far as to claim to have analyzed the best materials on the subject, but it must be said that this literature review takes into account, brilliant authors whose scientific and academic production on the field of study is significant. It is important to state that the vast majority of the materials sources originate from European authors, particularly French speaking and Germanic, and most important Chinese's authors, this is

explained in particular by the fact that the theory of law is a discipline rooted in the called in French “*système juridique roman germanique*”, the perfect illustration lies in the fact that most legal texts in the world are strongly impregnated with the declaration of the rights of Human Rights and the Citizen of 1789 in France.

5. Legal practice as a key element in China's national rural revitalization strategy

5.1. The importance of legal practice in the national rural revitalization strategy

5.1.1. Foundations of the legal practice of rural revitalization in China

The 1982 Constitution of the People's Republic of China, amended in 2018, serves as the basis for all public policies and legal texts in China. It outlines the country's development strategy, emphasizing the importance of workers, peasants, and intellectuals in constructing socialism. A patriotic united front, led by the Chinese Communist Party, has formed throughout the revolution, construction, and reform, aiming to renew the Chinese nation (Li & Wang, 2018).

The Law of the People's Republic of China on Promoting Rural Revitalization, effective June 1st, 2021, is the foundation of China's national rural revitalization strategy. It aims to promote agriculture upgrading, rural progress, farmer development, modernization, and urban-rural integration, promoting industries, skilled labor, culture, ecology, and organizations in rural areas.

China's rural revitalization strategy is legally regulated, adhering to CPC guidelines and promoting innovation, coordination, greening, openness, and sharing while promoting common prosperity.

The Law of the People's Republic of China on Rural Revitalization serves as the legal basis for the national strategy, adhering to the guidelines of the CPC and the Constitution of the People's Republic of China, ensuring better protection and framing.

The Chinese government adopted the National Rural Revitalization Strategic Plan in September 2018, aiming to implement a rural revitalization strategy. The plan focuses on promoting agro-industrial enterprises, modernizing agriculture, and creating vertically integrated rural enterprises. Guidance Document No. 1 of 2019 emphasizes prioritizing agricultural and rural development, proposing major areas of action (Huang, 2019).

5.1.2 The role of law

The law's primary function is to ensure the security of individuals within society, particularly the most vulnerable, by providing justice and protection of their interests. It also safeguards property, ensuring its protection. Law is the primary foundation for the organization of societies, defining how entities function. It governs politics, financial markets, and financial institutions, ensuring the functioning of these entities. Without law, there would be no legal rules to govern economic activities in each country, ensuring the functioning of all entities (Tchakoua, 2017). The Chinese law is a

crucial element in the country's national rural revitalization strategy, providing a legal framework for policy implementation and protecting the rights of farmers and rural dwellers. (Delpeuch et al, 2014). This framework enhances living conditions, reduces inequalities, and promotes economic and social development in rural areas, ensuring harmonious development. (Chen, 2020)

The Chinese government is promoting rural revitalization through Article 11 of the law, encouraging governments to promote the legal culture of rural revitalization and support participation from various sectors (Long et al, 2010). This includes establishing specific laws and regulations, protecting rural dwellers' rights, ensuring access to essential resources, and facilitating land transfer for economic development.

5.2 Implementing Rural Revitalization

5.2.1 Protecting farmers' rights and developing modern agriculture

The law emphasizes protecting farmers' rights by strengthening land ownership and improving working conditions. It promotes the preservation and appreciation of collective assets, ensuring farmers' profits, and emphasizes the importance of rural revitalization in development. The Chinese government's June 2021 law emphasizes agricultural development, aiming to optimize productivity, develop industries, ensure food supply and quality, promote cultivation, and stimulate agricultural growth. The law also plans to establish a system for classified land management, protect cultivated land, and control land conversions (Fan & Chan-Kang, 2005). The national rural revitalization strategy requires local governments to maintain cultivated land quality and protect farmland, build functional food production zones, and protect high-grade farmland.

The State should train innovators, establish an innovation mechanism, integrate companies, and strengthen innovation capacities. This will promote innovation in various fields like organic seed, smart farming, and green agricultural inputs. It will also build a modern technological system for the agricultural industry. The initiative aims to foster innovation and economic diversification by promoting rural entrepreneurship and modern agriculture through the use of information and communication technologies (Gao & Weber, 2019).

5.2.2 Supporting talent

The state should enhance rural talent management systems, support education, training, technical support, entrepreneurial guidance, and team formation, guiding urban and specialized talent to rural areas. Supporting talent requires education and vocational training, which grassroots governments should strengthen. They should organize agricultural skills, entrepreneurship, and employment training for rural residents, and develop quality farmers (Liu & Wu, 2016).

The State must encourage urban talent to move to rural areas and improve cooperation and exchange of talent training. People's governments should establish

incentives for diverse talents, create social work platforms, and support revitalization efforts. Township governments, villagers' committees, and rural collective economic organizations should provide necessary work and subsistence services for returning or moving to rural areas. Rural revitalization focuses on enhancing education, health, and employability in rural areas through the construction of schools, health centers, and vocational training programs.

5.2.3 Cultural prosperity

China's rural revitalization strategy aims to promote and protect cultural heritage in rural areas. Governments at all levels must protect agricultural and intangible heritage, promote revolutionary culture, and develop traditional culture. They should strengthen the protection of historical and cultural towns, traditional villages, and ethnic minority villages, monitor conditions, and mitigate disasters (Zhang & Donaldson, 2013).

5.2.4 Ecological protection

China's national rural revitalization strategy aims to ensure ecological protection by improving the eco-system protection system, implementing restoration projects, strengthening environmental sanitation, beautifying rural areas, and encouraging the adoption of advanced farming technologies. This includes promoting ecological recycling agriculture and promoting resource development.

5.2.5 Integration between urban and rural areas

People's governments should coordinate rural revitalization and urbanization strategies, develop comprehensive plans for urban and rural development, and optimize infrastructure and public service facilities. They should promote high-quality agriculture, improve life quality, and benefit rural businesses. County and township governments should optimize planning, respect farmers' wishes, and maintain rural functions. Village plans should be prepared by law, and construction should be ordered. Cancellation and combination of villages should be strictly regulated and prohibited.

The State aims to develop rural social causes, promote public education, healthcare, and social security, improve basic public services, and equalize services between urban and rural areas (Wang & Murie, 2011). It will enhance convenience, digital, and information platforms, develop service institutions, and strengthen service functions. The State will also improve the social security system, establish mechanisms for determining basic pension insurance benefits, and adjust pension standards to ensure a gradual increase with economic and social development.

5.2.6 Support measures

The State plans to enhance agriculture support and implement financial investment guarantees for rural revitalization. People's governments will prioritize this, ensuring investment increases proportionate to the goals. The State will use fiscal, financial,

and other measures to improve public financing, enhance rural assets, and strengthen financial support. The Rural Revitalization Stimulus Act of 2021 includes measures to improve the capital market, promote equity financing, and increase futures prices (Cai, 2003).

6. The need for a legal framework for rural revitalization in China

6.1 Obstacles to rural revitalization in China

China faces significant challenges in rural revitalization, despite government efforts, due to various obstacles that hinder its efforts in addressing its large rural population.

6.1.1 Limited land rights

Land rights in China pose a significant challenge to rural revitalization, as many farmers have limited use rights, limiting their investment in modernization projects (Vendryes, 2010). This legal uncertainty discourages investment in rural areas, as farmers are hesitant to invest in improvements (Bénazéraf et. al, 2014). The Chinese government must reform land laws to ensure farmers have clear property rights and implement financial incentives and favorable policies to encourage investment in rural areas.

6.1.2 Limited access to public services

China faces challenges in rural revitalization due to limited access to public services like education, healthcare, and basic infrastructure (OECD Economic Surveys, 2015). This hinders agricultural modernization, deteriorates health, and limits investment. To address this, the Chinese government should invest in rural education, public health policies, and infrastructure, promoting connectivity and economic development.

6.1.3 Urban migration

Urban migration in China is causing rural areas to lose skilled labor and traditional farming knowledge. To address this, policies should encourage young people to stay in rural areas, offering job opportunities and quality services. Training programs and modernization support can make farming more attractive to younger generations (Chen et al, 2016). Despite challenges like limited land rights and public services, targeted investment can create a prosperous future for China's rural areas.

6.2 Legal and administrative control of rural revitalization in China

China's government has implemented laws and policies to promote rural development and control rural revitalization, ensuring its success through legal and administrative regulation.

6.2.1 Legal control

China's 2021 law establishes control mechanisms for the legal revitalization process, requiring governments and authorities to implement rural revitalization

strategies in compliance with the CPC guidelines. If governments fail to fulfill their duties, they will be held accountable by relevant laws and regulations. Violations of laws related to agricultural product safety, ecological protection, and land management may result in sanctions or criminal liability. This is a control mechanism, that promotes coercion and compliance with legal provisions.

6.2.2 Administrative control

The Chinese government has administrative control over rural revitalization, coordinating efforts, over-seeing policy implementation, and ensuring stakeholder participation. They establish a system of target accountability and evaluation for the strategy, with higher-level governments evaluating lower-level governments' achievements. The State Council and provincial authorities establish indicators to reflect progress, while local governments evaluate the strategy's implementation in their respective administrative areas (Pang, 2019).

5. Conclusions

Rural revitalization in China is underpinned by a strong legal regime. The law plays a key role in setting objectives and standards, as well as protecting the rights of rural residents. The measures put in place by the Chinese government aim to promote the economic and social development of rural areas while reducing inequalities between urban and rural areas. Rural revitalization in China is a complex and long-term process, but with the support of the law and the right policies, it can help to improve the quality of life of China's rural dwellers.

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