Research Trends on the Specialization of Local Legislation for Rural Revitalization in China

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Abstract: *Since the Standing Committee of the National People's Congress took the lead in launching the legislative process of the Law on Promotion of Rural Revitalization in 2018, the local legislation of rural revitalization has gradually attracted the attention of the academic circles, and the enthusiasm has increased day by day. At present, many scholars have realized the necessity of local legislation for the implementation of the rural revitalization strategy and some difficulties faced in the process of characterizing the local legislation of rural revitalization, and have initially proposed corresponding solutions. However, the existing research results are still relatively limited and not in-depth. For the characteristic research of rural revitalization local legislation, scholars should pay attention to the comprehensive sorting out of the evolution process of rural revitalization legislation and the investigation and analysis of the current situation of rural revitalization local legislation, so as to highlight the significance of the specialization of local legislation for rural revitalization. In addition, it should also strengthen the exploration and discovery of the dilemmas faced by the local legislation on rural revitalization, point out the problems and conduct in-depth and systematic arguments and discussions, so as to provide some effective countermeasure suggestions for the realization of the local legislation on rural revitalization, thus guaranteeing the effective implementation and rapid promotion of the rural revitalization strategy in local areas.*

Key words: *rural revitalization; local legislation; specialization; review*

Introduction

The "implementation of rural revitalization strategy" is a major strategic plan made by the 19th Party Congress around the "Three Rural Issues" in the new era, which is a global and systematic project related to the development of agricultural and rural modernization and the improvement of farmers' living environment and standard of living.

In 2018, the "Opinions of the Central Committee of the Communist Party of China and the State Council on the Implementation of the Rural Revitalization Strategy" proposed that it is necessary to study and formulate the relevant work of the rural revitalization law, legalize effective rural revitalization policies, and give full play to the guarantee and promotion of legislation in rural revitalization; all localities should also formulate local regulations and local government regulations to promote rural revitalization based on

local actual needs. From 2018 to 2021, after nearly three years, the "Rural Revitalization Promotion Law" at the central level has entered the stage of formal implementation, which is in line with the active promotion of the central government, and many places are also actively promoting "promoting the implementation of rural revitalization strategy", which has attracted the attention and research of some scholars, and the enthusiasm for attention is gradually rising and increasing day by day. However, the existing research results are still relatively limited, and the research on issues related to the specialization of local legislation for rural revitalization still needs to be discussed more deeply and systematically. By sorting out and summarizing the relevant research results of the existing domestic rural revitalization local legislation, this paper can not only clarify the basic theory of rural revitalization local legislation and local legislation's characteristics, but also lay a solid theoretical foundation for further research on rural revitalization local legislation and provide research ideas.

China's Research Trends in Local Legislation for Rural Revitalization

Promoting local legislation for rural revitalization is the need to comprehensively guarantee the implementation of the rural revitalization promotion law and give full play to the value of local legislation in implementing the rural revitalization strategy. At this stage, the rural revitalization work has moved from "purely relying on policy advancement" to "gradually achieving institutionalization, standardization, and legalized operation" at the local level. Therefore, local legislation for rural revitalization has also entered the research field of academic circles, and its research content mainly focuses on three aspects: the first is about the basic theory research of the local legislation of rural revitalization, the second is about the predicament of the local legislation of rural revitalization, and the third is about the path research of the local legislation of rural revitalization.

Basic Theoretical Research on Local Legislation for Rural Revitalization

The research on the basic theory of local legislation for rural revitalization is mainly reflected in two aspects: On the one hand, it is the discussion on the necessity of local legislation for rural revitalization (Zheng & Chen, 2020; Song, 2020; Zhu, 2020; Ge, 2021). They pointed out that the necessity of local legislation for rural revitalization is embodied in three points: First, local legislation needs to organically combine legislation, reform, abolishment and interpretation of laws, and promptly revise and abolish laws and regulations that are no longer suitable for the development of rural society. Overcome the shortcomings of promoting agricultural and rural reform and development purely through policies, and promote the reform of the "three rural" legal system and the comprehensive upgrade of the Agricultural Basic Law. Second, local legislation should strengthen forward-looking and early-warning functions to promote the implementation of the rural revitalization strategy and the overall development of agriculture and rural areas. Third, the focus of local legislation on rural revitalization should focus on public services, industrial development and environmental protection, so as to narrow the gap between urban and rural areas as much as possible, inject vitality into the integrated development of urban and rural areas, and promote the ultimate realization of rural revitalization goals. On the other hand, there is research on the functional orientation and basic principles of local legislation for rural revitalization (Zheng & Chen, 2020; Zhang, 2018; Chen, Song & Ma, 2018; Dai & Gao, 2019; Zhu, 2020). Regarding the functional orientation of local legislation for rural revitalization,

they generally believed that local legislation for rural revitalization should, on the one hand, refine and supplement the central legislation, and on the other hand, make institutional design for local particularities in rural revitalization. Scholars also put forward the basic principles of local legislation for rural revitalization as the basis for building a legal system and specific rules: in the subject of legislation, adhere to the principle of government leadership; in the content of legislation, adhere to the principle of farmers as the main body and adhere to the principle of giving priority to the development of agriculture and rural areas; in terms of legislative thinking, adhere to both programmatic and operability; in terms of legislative methods, follow scientific, democratic, and law-based legislation; in terms of legislative goals, adhere to the principles of urban-rural integration and green development.

To sum up, the research on the basic theory of local legislation for rural revitalization mainly involves the necessity of local legislation, as well as the functional orientation and basic principles of local legislation. It can be found that Chinese scholars have basically reached a consensus on the necessity of local legislation for rural revitalization, so it is the general trend to speed up the process of local legislation for rural revitalization. At the same time, we can also find that few scholars have sorted out the evolution process of rural revitalization legislation, and there is also a lack of analysis and induction of the current situation of rural revitalization local legislation. In fact, it is beneficial to grasp the aim and purpose of the legislation of rural revitalization and to conclude the significance of the local legislation of rural revitalization by tracing the origin of the evolution of the legislation of rural revitalization, it is also more conducive to the future of rural revitalization of local legislation to tamp the rule of law basis, to provide reference value.

1.2 Research on the Dilemma Faced by Local Legislation of Rural Revitalization

The difficulties faced by local legislation on rural revitalization mainly include three aspects: First, the content of rural revitalization legislation does not fully reflect local characteristics. Song Caifa (2020) pointed out that "local individuality" and "local specificity" are the preconditions for local legislation. "Local individuality" should be the soul and uniqueness of local legislation, and it is also the precondition for local legislation. Without local individuality, there is no need for local legislation. The "specificity" of local legislation is manifested in the concretization of legislative content, which should have obvious differences between regions and affairs. Through research, he pointed out that there are quite a few local legislations, which lack both“local individuality” and“ specificity”, and some matters that do not have local particularity, importance and concreteness, this is one of the existing problems in the local legislation of rural revitalization. Second, there is a lack of professional talents and a lack of legislative capacity (Zhu & Wu, 2020; Ge, 2021). The third is that the democratization of legislation is insufficient, resulting in the inability to exert the advantages of local legislation. According to Ge Tianbo (2021) , local legislation for rural revitalization should focus on gathering the wisdom and popular support of the people, but the current legislative process is usually in the form of small democracy, mainly soliciting opinions from experts, scholars and lawyers, excluding the life feeling and folk wisdom of the broad masses of the people leads to the weakening of the democratic nature of legislation.

To sum up, Chinese scholars have recognized some of the dilemmas faced by the current local legislation on rural revitalization while conducting relevant research, for example, the lack of local individuality and

concreteness, weak awareness of local legislation and lack of capacity, as well as the lack of democratic legislation. But there are still some problems that need to be discovered and solved urgently, such as the unclear scope of the legislative authority of the central and local governments, the vague provisions on“local affairs”, and the weak operability of local legislation, the quality of local legislation is uneven and the awareness of problems is not obvious, which leads to the failure to grasp the focus of legislation accurately.

1.3 Research on the Ways to Perfect the Local Legislation of Rural Revitalization

In view of the predicament of the local legislation of rural revitalization, the academic circles in China have put forward three main countermeasures and suggestions. First, expand the development space of local legislation for rural revitalization. Song Caifa (2020) believes that national legislatures should reserve the necessary space for local legislation and strengthen the construction of “responsive law” in the context of rural revitalization, it provides enough and suitable space for the subordinate method to deal with various complex local affairs. Second, to comprehensively upgrade the technology of local legislation for rural revitalization (Song, 2020; Ge, 2021; Zhu & Wu, 2020; Zhang, 2018) , among which Song Caifa's proposal is more scientific and comprehensive. Song Caifa believed that under the vision of rural revitalization, local legislatures should build up the quality of laws and regulations with the spirit of craftsmanship, the paper also puts forward six ways to perfect local legislation: the whole conception of local legislation, the text design of local legislation, the technical operation of local legislation, the goal pursuit of local legislation, the characteristics of local legislation, and the experience of local legislation. Third, promote the democratic nature of the legislative process (Ge, 2021; Zhu & Wu, 2020) . Ge Tianbo proposed that in order to improve the local legislation of rural revitalization, we should change the habit of “reference” of cross-sectional research of legislation, go deep into the grass-roots level within the scope of the effect of laws and regulations, and widely listen to the opinions of the masses, in-depth longitudinal research, strictly democratic legislative process.

The Development of Chinese Research on the Characteristics of Local Legislation

In China, the research on the characteristics of local legislation has formed abundant research results. First, the theoretical research on the characteristics of local legislation, it includes the basic connotation, necessity, value, predicament and realization path of local legislation. The second is the empirical research on the special status of the region, such as the city, the National Autonomous Region, and so on, to analyze how the local or a local law to achieve the characteristics of the local legislative process.

Theoretical Research on the Characteristics of Local Legislation

(1) On the Basic Connotation and Value of the Specialization of Local Legislation

Research on the basic connotation of local legislation (Tu, 2017; Huan, Tan & Wang, 2017; Jiao, 2020; Zheng, 2017; Zhao, 2017; Wang, 2005) , representative views include: Jiao shengrong (2020) that “the characteristics of local legislation mainly manifested in two aspects”. First, it is local, proceeding from the reality of the region, fully considering the local economic, social and natural conditions, fully grasping

the characteristics and laws of the region, effectively resolving the specific affairs of the region, with obvious local, regional and special characteristics. The second is the difference. When the superior law has provisions, the Local ordinance will no longer repeat and copy them, but will have their own refinements and supplements. When the superior law does not have provisions, they will have their own advance, innovation or autonomy within the statutory limits. Zhao Jingbo (2017) believes that the so-called characteristics of local legislation is that local legislation can reflect local particularities. First, the local legislation can fully reflect and adapt to the local reality, and second, the local legislation should have a strong pertinence, to solve the local prominent and the central legislation is not suitable to solve the problem. By defining the characteristics of local legislation at the normative and theoretical levels, the distinctive provisions of local legislation refer to those local ordinance which are local, innovative, different and operational. At present, most scholars have deeply realized the necessity of realizing the local legislation characteristic, and have proved the value of realizing the local legislation characteristic from the national and local levels. First, from the national level, giving local legislative power and realizing the characteristics of local legislation are beneficial to the implementation of national policies and guidelines on the one hand, and to the filling of gaps in national legislation on the other, to provide local experience for the revision and perfection of national laws and regulations is an objective need for perfecting the socialist legal system (Shi, 2017; Lu, 2018; Jiang, 2020; Xu, 2019). Second, from the local level, fully highlighting the local characteristics in the process of local legislation reflects the value of the existence of local legislation, reflecting the system innovation, the social management innovation and the local legislator's rule of law consciousness, are the key to improve the local legislative quality, it is an inevitable choice to promote local economic and social development (Shi, 2017; Cai, 2013; Lu, 2018).

(2) Study on the Dilemma of Local Legislation

At present, most Chinese scholars are mainly from the practice to explore and discover the difficulties faced in the process of local legislation characteristics, there are also a few scholars from the theoretical level and policy level to analyze the process of local legislation characteristics of the difficulties faced. On the theoretical level, Tu Qinglin (2021) points out that there is a lack of special and systematic research on the local characteristic principle of local legislation, so there are different opinions in theory. At the policy level, Tu Qinglin (2021) believes that only by "one place, one regulation" type of exploration, the lack of systematic summary from practice to theory and the formulation of relevant legislative policy guidance and protection. In practice, scholars from the national level and local level respectively analyzed the reasons for the lack of characteristics of local legislation. From a national perspective, the lack of clarity of the legislative authority of the central and local authorities at all levels, resulting in the limitation of local legislative space, is the main reason for the lack of specificity of local legislation (Feng, 2021; Zhao, 2017; Wang, 2021). From the local point of view, the lack of characteristics of local legislation is mainly manifested in the following four aspects. On the one hand, local legislative bodies do not actively perform their legislative duties. On the other hand, they do not dare to legislate out of consideration of avoiding legislative risks (Zhao, 2017; Feng, 2021). On the other hand, lack of awareness of the value of local legislation, insufficient capacity for innovation and lack of legislative capacity have led to poor lawmaking (Feng, 2021; Chen, 2021). Second, the local characteristic resources can not be fully exploited (Liu & Zhao, 2021). Third, the legislative system needs to be improved (Liu & Zhao, 2021). Fourth, public participation has not been regularized, and the information

access advantage of local legislation is difficult to implement (Zhao, 2017; Huang & Huang, 2018).

(3) Research on the Way to Realize the Characteristic of Local Legislation

As for the specific ways to realize the characteristics of local legislation, the current academic circles in China mainly focus on the following four aspects. First, to promote the characterization of local legislation by making full use of relevant legislative systems, such as the monitoring and evaluation mechanisms of legislation (Feng, 2021; Tu, 2017). Second, we should base on the local reality and highlight the local characteristics (Zheng, 2017; Tu, 2018; Huang & Huang, 2018). Third, comprehensively improve the legislative technology, on the one hand, to strengthen the training of local legislators, to enhance the legislative level of local legislators, on the other hand, to design and improve the legislative process, the pertinence, democracy, scientificity and operability of local legislation should be highlighted in the formulation, drafting, demonstration and content of laws and regulations, thus, local legislation should be characterized (Feng, 2021; Ren, 2018; Wang & Liang, 2015). Fourth, organize the participation of all parties and expand the channels of public participation in legislation (Zhang, 2020; Jiao, 2020; Feng, 2021; Huang & Huang, 2018).

Empirical Study on the Characteristics of Local Legislation

The empirical research on the characteristics of local legislation is mainly carried out in the areas with special status, such as the cities with districts and the autonomous regions of ethnic groups, it mainly analyzes how a certain place or a certain law realizes the characteristic in the process of local legislation. For example, Zheng Qingxian (2017) used seven newly-granted district-based municipal legislations in Fujian province as an analysis sample and found that these local legislations generally have problems of low legislative quality and lack of local characteristics, then it puts forward that we should pay attention to the local reality, adhere to the problem-oriented, carry out fine legislation and carry out advance legislation, so as to enhance the characteristics of the local legislation and promote the quality of the local legislation. Li Xiang and Lin Anqi (2017) point out that the characteristics of educational legislation in ethnic areas reflect the requirements of the law of educational development reflected in the legal system and the social and economic status quo of ethnic areas reflected in the path of educational development, as well as the central level of education laws and regulations mapping in the ethnic areas of the needs of the characteristics. Lai Yunchi (2020) took the city appearance and environmental sanitation regulations of cities divided into districts in Zhejiang Province as an example, and pointed out that there is still much room to increase the "local characteristics" in local legislation, which not only requires legislators to have a more accurate understanding of the legislative purpose, a more skilled application of legislative technology, a more in-depth consideration of local actual conditions, a more diversified use of post legislative evaluation means, but also requires the joint efforts of every audience of local regulations, Realize the real "characteristics" for the local society ruled by law.

The Research Prospect of Local Legislation Characteristic of Rural Revitalization

At present, the research on the local legislation of rural revitalization in China is in full swing, at present, China's rural revitalization of local legislation and the characteristics of local legislation of the theoretical

results are considerable. Chinese scholars not only carried on the theoretical research to the local legislation of rural revitalization and the characteristic of local legislation, but also clarified its basic connotation, value and function orientation, and recognized the local legislation faced with some of the difficulties and preliminary proposed the corresponding solutions. However, the research results are limited, in many aspects of the need for further research. First, we should pay attention to the process of the legislative evolution of rural revitalization and the analysis of the status quo of local legislation of rural revitalization. Second, we should pay attention to the excavation of the legal basis behind the local legislation of rural revitalization, and trace the origin of the legal basis of the local legislation of rural revitalization, and summarize it, it is beneficial to ensure the legitimacy of local legislative foundation and direction of rural revitalization from the source. Third, it is urgent to strengthen the obstacles in the local legislation of rural revitalization and explore the way to realize the characteristics of the local legislation of rural revitalization. For example, in the following research, researchers can give some attention to the clarity of the authority and scope of central and local legislation under the vision of rural revitalization. Although the legislative authority of the central and local governments is stipulated in the Legislative Law of the People's Republic of China, the legislative authority of the two governments has not become particularly clear. At present, it is in the beginning year of the rural revitalization strategy, and needs the guarantee of local legislation urgently, has affected the rural revitalization strategy the substantial advancement. In addition, we can focus on how the local legislation of rural revitalization should make use of the potential and vitality of local resources endowment to promote rural revitalization strategy, that is, in which specific aspects of the issue of characterization. We can also make a detailed study on the legislation of rural revitalization, such as how to promote the development of industry, how to improve the living environment and how to achieve cultural prosperity.

Conclusion

The implementation of the rural revitalization strategy is an important political and economic task in China at present. It can make agriculture a promising industry and farmers an attractive occupation, a great project to make the countryside a beautiful home for living and working in peace. The effective implementation of the rural revitalization strategy can not be separated from the norms, guarantees and guidance of the legal system, on the basis of the central rural revitalization promotion law, which provides the institutional framework and lays the foundation of the bottom logic for local legislation, we should speed up the process of local legislation for rural revitalization, and give full play to the unique functions and functions of local legislation for the implementation of rural revitalization strategy. Under the background mentioned above, it is very necessary to study the relevant issues of the local legislation of rural revitalization, which is of great Chinese and practical significance. From a theoretical point of view, the study of local legislation on rural revitalization will undoubtedly be a hot issue in recent years. From the point of view of practice, the characteristics of the local legislation of rural revitalization emphasize the local individuality and local concreteness, and the actual conditions of each region are different, so the focus of the local legislation of rural revitalization should also be different. In a word, the research on local legislation of rural revitalization is still in its initial stage in China, and many problems still need to be explored and deeply studied by scholars.

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