

On the Relationship between Farmers' Collectives and Rural Collective Economic Organizations—From the Perspective of Collective Land Ownership

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Abstract

The relationship between farmers' collectives and rural collective economic organizations has led to the formation of two diametrically opposed views in the academic community, namely, the theory that they are different from one another and the theory that they are one and the same. Farmers' collectives have not been eliminated or ceased to exist as a result of the changes of the times, but their organizations lack a scientific governance structure and cannot be directly shaped into market participants. Specific institutional arrangements for farmers' collectives require the reshaping of rural collective economic organizations. Although farmers' collectives take on different forms at different stages, this does not affect the fact that farmers' collectives and rural collective economic organizations are in fact the same subject; the only difference is that one is an abstract concept and the other is a specific concept. Their members are the same and their matters to be made resolutions are the same. Under the arrangement whereby the farmers' collectives are transformed into a specific institutional system, it is logical that land owned collectively by the members of the farmers' collectives is therefore owned by the rural collective economic organizations.

Keywords

Farmers' Collectives, Rural Collective Economic Organizations, Collectively Owned Land, Collective Economy

1. Introduction

In the *Civil Code*, the term farmers' collectives appear six times in three provi-

sions, and the term rural collective economic organizations appear seven times in six provisions. Paragraph 2, Article 101 of the *Civil Code* stipulates rural collective economic organizations, and Article 262, in stipulating the exercise of collective property ownership on behalf of farmers' collectives, establishes the three levels of rural collective economic organizations, namely, townships, villages, and villagers' groups. When farmers' collectives appear in the *Civil Code*, they basically refer to the ownership of property, i.e., immovable and movable property under collective ownership belongs to the farmers' collectives; when rural collective economic organizations appear in the *Civil Code*, they either define the scope of membership, e.g., Article 55 of the *Civil Code*, or stipulate the nature of the rural collective economic organization, e.g., Articles 96 and 99 of the *Civil Code*, or that they shall exercise the ownership of collective property on behalf of farmers' collectives, e.g., Article 262 of the *Civil Code*, or the obligations of rural collective economic organizations, e.g. Article 264, Paragraph 2 of Article 265, and Article 330 of the *Civil Code*. Whether farmers' collectives and rural collective economic organizations are two different subjects or the same subject in the *Civil Code* cannot be easily concluded from the legal norms themselves alone, and there is a great deal of academic debate. The Marxist theory of social conflict, although rooted in capitalist society, provides methodological guidance for us to solve rural social conflicts (Zhang & Feng, 2017). The conflicts under the comprehensive rural revitalization in contemporary China, although manifested in various forms, are not confrontational conflicts, and the core is the conflict of interest distribution. Therefore, clarifying the relationship between farmers' collectives and rural collective economic organizations from the perspective of collective land ownership and scientifically formulating the *Rural Collective Economic Organizations Law* is of great significance for optimizing rural governance and building harmonious rural areas.

2. Academic Debate: Theory of Different Subjects and Theory of the Same Subject

Although the academic debate stems directly from the collective land's ownership, but also involves the interpretation of laws from different sectors and the reshaping of the rural collective economic organization. It is not merely a controversy on the concept level, but also a critical difficulty in the legislation of the rural collective economic organization. In summarizing the arguments of different scholars, two opposing views have been formed: the theory of different subjects and the theory of the same subject.

2.1. Theory of Different Subjects

The theory of different subjects holds that "the collective economic organization is an independent subject which differs from the farmers' collectives" (Wu, 2019) and the two coexist in the legal text and display different value connotations and normative designs. Farmers' collectives originated from the socialist

transformation after the founding of the People's Republic of China. In the era of planned economy, farmers' collectives were embodied in people's communes, production brigades and production teams; after the reform and opening-up, "it is the farmers' collectives (the collective of members of this collective) and the rural collective economic organizations that have replaced the people's communes, production brigades, and production teams" (Gao, 2019). The *1982 Constitution* stipulates that the farmers' collectives own the collective land. With the dissolution of the traditional agricultural management system, the farmers' collective has taken on a variety of manifestations. Although there is no targeted normative definition of farmers' collectives as a subject in private law, from the perspective of the Constitution, farmers' collectives should exist as a special legal subject. "Judging from the systematic interpretation of the relevant norms of the *Civil Code*, farmers' collectives are different from collective economic organizations" (Gao, 2020). Otherwise, on the one hand, the law stipulates that the farmers' collectives are the subject of collective land ownership, but on the other hand, it does not recognize its subject status, which will lead to a conflict of legal interpretation, and it is impossible to form any logical self-consistency. Moreover, the farmers' collective is an important part of the socialist public ownership system, and it has gone beyond the scope of ordinary legal subjects. "It represents the political requirement of the implementation of the socialist public ownership system in China" (Jiang & Song, 2017), and thus has a strong ideological carry and political attribute, which belongs to the scope of the collective ownership system. On the premise that farmers' collectives are the subjects of ownership of the collective land, some scholars have drawn on the property *gesamteigentum* system in Germanic law, proposing that there are always "clear rights and obligations between the subject of the right and its internal members" (Zhu, 2019). In short, distinguishing the two concepts is in line with the legislative intent and practical needs.

2.2. Theory of the Same Subject

The theory of the same subject argues that the term farmers' collectives is a highly abstract expression, and that "the farmers' collectives, as owners of rural land, are the product of a political movement, which did not follow the logic of law at the beginning of its creation" (Chen et al., 2016). Its legal form is the specifically institutionalized rural collective economic organization, which achieves the effect that "the manifestation of the subjects of right in private laws also represents the manifestation within the political context" (Zhang, 2019). However, in different times and contexts, farmers' collectives have taken on different organizational forms. In the period of people's commune, farmers' collectives are embodied in people's communes, production brigades and production teams; in the post-reform and opening-up period, farmers' collectives are embodied in specific rural collective economic organizations. "Whether it is the people's commune or the new rural collective economic organization as a special legal

person, they are different forms of the farmers' collective at different stages of development" (Song, 2021). The reason why the farmers' collectives are regarded as the subject of collective land ownership in the law is that, in the process of reforming the rural management system after the reform and opening up, the traditional rural management system was dismantled, and organizations such as the people's commune and other organizations of governmental and social nature at the same time ceased to exist, which was essentially a compromise result of the inability to unify the different forms of the farmers' collectives, or rather a technical treatment in legislation. In addition, joint-stock companies, cooperatives and other entities established in the process of reforming the rural management system in different areas, with their own different forms, are not able to play the important role of the subject of collective land ownership from the point of safeguarding collective ownership. But the expedient expression cannot address the demands deriving from the development of the rural collective economy. "The internal governance structure of the legal person of the community joint-stock cooperatives should be constructed in accordance with the principles of clear rights and responsibilities, power checks and balances, economic democracy, and protection of rights and interests" (Guan, 2015), so as to institutionalized the form of the farmers' collective. When appearing in the form of farmers' collectives, the main consideration is historical continuity, as well as ideological commitment and political attributes, manifesting collective property ownership; when appearing in the form of rural collective economic organizations, the main consideration is the establishment of their role in private laws, so as to enable them to participate in market activities, revitalize the collective assets, and develop and expand the rural collective economy.

The debate between the theories of different subjects and the same subject, although originating from different interpretations of the legal text and different perspectives on practice, is still essentially due to the inability to form a consensus on some basic issues.

3. Going Back to the Roots: Are Farmers' Collectives a Fictitious Concept?

During the period of the people's commune, the abstract expression of farmers' collectives was materialized into institutional arrangements, forming rural collective economic organizations such as people's communes, production brigades and production teams; people's communes and the like were the specific embodiment of farmers' collectives which were more apparent by relying on the powerful organizing and mobilizing ability of people's communes which had the overtones of State's violent apparatus. The members of the collective worked together, with resources distributed according to their labor, and supported the country's industrialization process through the price scissors. At this stage, no one denied the cohesive and executive power of the farmers' collectives, and the ownership system of the collective land is formed with the attributes that "pro-

duction teams are the fundamental units and ownership has three tiers”.

With the dissolution of the people’s commune system after the reform and opening up, the farmers’ collectives are weakened in their forms, as evidenced by the fact that their cohesion and execution were not comparable to before, and the institutionalization of the farmers’ collectives experienced a brief period of confusion and perplexity. Farmers’ collectives were highly abstract and compatible with collective ownership, but could not directly form an institutionalized arrangement. Some scholars have explicitly raised the “problem of the lack of the subject of ownership” in their research (Chen, 2009). Is it possible that farmers’ collectives have become a mere name, or have even ceased to exist? We believe that this understanding does not stand up to scrutiny. Firstly, the dissolution of the people’s commune itself was the result of the concerted action of the farmers’ collectives. Starting from the “Xiaogang people are not bound by dogmatism” (Wei & Zhang, 2018) and works were sub-contracted to households in Fengyang, Anhui Province, the collective members explored the path to overcome the disadvantages of communal food sharing and the inability to mobilize the enthusiasm of the members and decided to sub-contract the collective land to each household through the meeting of the collective members; Secondly, in the early stages of land subcontract, based on the changes of members of each household, in order to reflect the fairness for each the household, the sub-contracted land was frequently adjusted, basically “according to the changes in household population, the sub-contracted land was adjusted mildly once every three years, and major adjustment will be made once every five years” (Cheng, 2021), which was still the result of collective action by the farmers’ collective. Thirdly, after the state realized that the frequent adjustment of sub-contracted land was not conducive to the investment in the land power by farmers and farmers could not form stable expectations, it decisively issued a policy to implement the land sub-contracting policy, pursuant to which, “increase in the household population will not result in the increase of the amount of sub-contracted land, and decrease of the household population will not decrease the amount of sub-contracted land”, which is actually a policy of restricting the collective action of farmers through the authority of the state. However, small-scale adjustments in line with the state’s policy also happen every now and then, which is also the result of the collective action of the farmers’ collective.

In short, whether in the era of planned economy or after the reform and opening up, the collective resolution of farmers has always existed continuously, and this existence and continuity is not so much the result of legal empowerment, but rather the confirmation by the law on the collective resolution of the matters that have already existed. Farmers’ collectives exist objectively, and they have not been diminished or ceased to exist as a result of the changes of the times.

We believe farmers’ collectives belong to the concept of political economy and should belong to the category of public law. Under the context of public law, farmers’ collectives cannot appear as civil subjects in private law, nor can they be

expressed as the rural collective economic organizations being the form of existence of farmers' collectives. Farmers' collectives are the main carrier of public ownership in rural areas, and as a manifestation of ownership, it has more political and public legal significance. The exercise of collective land ownership by the rural collective economic organizations on behalf of farmers is a political arrangement for maintaining socialist public ownership, expressed in the context of public law. Farmers' collectives also belongs to the context of public law, and is a specific reflection of political economic ownership theory in public law. In this context, although the legislative norms state that the rural collective economic organizations exercise collective land ownership on behalf of farmers, the connotation of this representation is not representative at the private law level, but closer to the public law level. Therefore, the property relationship between farmers and the rural collective economic organizations can be expressed as a special representative relationship. The rural collective economic organizations represent farmers' collectives in carrying out civil activities externally. Within the scope of private law regulations, the rural collective economic organizations should focus on exploring a series of issues such as how the rural collective economic organizations represent farmers' collectives in exercising civil rights such as collective land ownership, and how the rural collective economic organizations are responsible for collective members. Under the context of public law, the collective ownership of collective land by farmers needs to be transformed into a system arrangement in private law that ensures how the rural collective economic organizations should "represent and exercise", and the responsibility of the rural collective economic organizations to fulfill their debts should be defined, and exempt property should be distinguished. The reshaped rural collective economic organization is a specific institutionalized manifestation of the farmers' collective, an institutional construction of the farmers' collective, with a view to resolving the dilemma of the existence of the farmers' collective.

4. Coupling of Farmers' Collectives and Rural Collective Economic Organizations

4.1. The Basis of the Coupling of Farmers' Collectives and Rural Collective Economic Organizations

"Attempts to solve the 'Three Rural Problems' by negating collective ownership are tantamount to seeking fish out of wood and will do more harm than good." (Wang, 2021) Farmers' collectives and farmers' collective economic organizations are two sides of the same coin, forming a combination between the abstract level and the specific practice level. Farmers' collectives are used at the abstract level, not just in terms of concepts, but forming self-practice patterns. Originating from the foundation laid down by the people's commune system, land-based closed communities have been formed in rural areas. Such communities are often bounded by production teams under the people's commune system, and the collective land boundaries between different production teams have been formed

in the course of history, and a consensus has been formed among the members of the production teams. “The state and the rural society reached a final equilibrium status on the organization (level) of the primary commune, the production team, or the villagers’ group (after games of a number of movements)” (Wu, 2021). Although the people’s commune system was disintegrated, this boundary and consensus were not broken, and members of the production team still used it as a basis when implementing collective resolutions regarding the subcontract of collective land and production works to each household. Of course, even though the functions of the production team have changed drastically since its evolution into the villagers’ group, for example, the villagers’ group is no longer able to collectively organize production works in the context of household sub-contracting, the villagers’ group is still the platform and embodiment of collective decision making, and it plays an important role in the sub-contracting of collective land and other aspects. Certainly, “the villagers’ committees and rural collective economic organizations shall discuss and decide on the management of the land and other properties in the village that are collectively owned by the villagers, at the villager’s meetings (villagers’ representative meetings) and the general meetings of the members (representatives) of the rural collective economic organizations” (Wang, 2019). This explains, to a certain extent, why the villagers’ committees are still the platform and carrier of collective decision-making. This explains to some extent why, in the absence of a formal rural collective economic organization, collective land is not vacant and collective decision-making still survives.

4.2. Reshaping Rural Collective Economic Organizations Is an Inevitable Requirement for Coupling

It is necessary to ponder the necessity of reshaping the rural collective economic organizations, since the villagers’ committees and villagers’ groups are still the platforms and embodiment of collective decision-making. After the reform and opening up, the farmers’ collective decision-making mechanism mainly rely on the township government, villagers’ committees, villagers’ groups. The loss of top-down authority, coupled with the pursuit of farmers’ self-interests under the household operation, the collective resources that can be mobilized by the farmers’ collectives are very limited, and some collective members even consider the collective decision-making process to be a mere burden to themselves, unwilling to participate in it. As a result, collective decision-making has become a formality. In addition, a new tension has arisen in the development of the rural economy that breaks through the traditional rules of collective decision-making. This kind of tension, on one hand, the defective nature of the existing management of collective assets results in the loss of collective assets. The excessive power of village and group cadres, and the fact that “the villagers’ rights to information, participation, and supervision are not guaranteed” (Yang & Wang, 2012) prevents the interests of the farmers from being effectively safeguarded.

On the other hand, it is the realistic need to develop the collective economy and the regional imbalance of collective economic development contradicts the common prosperity pursued by socialism. A series of problems such as how to solidify the achievements of accurate poverty alleviation in the post-poverty relief era, and to prevent farmers from returning to poverty on a large scale, makes the development of the collective economy not only a slogan, but also a responsibility and commitment, with practical significance. Farmers' collectives lack the scientific governance structure of an organization and are unable to directly reshape themselves into market entities, with natural deficiencies in the expression of their will and interests. As a result, there is no sound institutional mechanism to support the identity of farmers' collectives as land owners. The combination of various factors makes it necessary to put on the agenda the specific institutionalization of farmers' collectives. Against this backdrop, the reform of rural collective property rights has been steadily rolled out, adopting measures such as mapping out the financial status of each household, auditing and verifying assets, quantifying operational collective assets, and reshaping the rural collective economic organization.

However, it should be emphasized that, in terms of functional attributes, the villagers' committees and villagers' groups are villagers' self-governing organizations, which aim to resolve public communal matters of the village, such as family planning, the environment and appearance of the village. Given that collective land has already been sub-contracted to households and property rights are clarified, matters involving collective decision-making in the economic sphere can also be resolved on the platforms of villagers' committees and villagers' groups. This also means that for those farmers' collectives whose collective land has been sub-contracted to each household and do not have collective assets that need to be operated and managed, there is indeed no need to institutionalize farmers' collectives; otherwise, it would only increase the cost of running the system and reduce the efficiency of collective decision-making, the losses of which would outweigh the benefits. However, for those who have substantial collective assets to manage, the existing villagers' committees and villagers' groups' collective decision-making platform has appeared to be powerless, especially in the context of rural collective property rights reform, with the quantitative audit of collective assets, and a series of collective land reform policies implemented by the state, such as the listing of collective operational construction land in the market, the moderate liberalization of land management rights and the right to use homesteads, coupled with the combing of the collective assets of public welfare nature. If the farmers' collectives are not institutionalized specifically in a timely manner, "the collective will be reduced to a tool for the profit-making of few people and an appendage of public power" (Dai, 2016). Not only will it be impossible to solidify the achievements of the reform of the rural collective property rights, but it will also be impossible to develop and expand the rural collective economy.

4.3. Specific Arrangement for the Three Relationships in Coupling

To institutionalize farmers' collectives with specific arrangements, and to reshape rural collective economic organizations, the following three relationships need to be addressed. First of all, the scope of membership of farmers' collectives and rural collective economic organizations. In determining the scope of membership, the state adopts an approach of adjusting measures to local conditions, whereby factors such as household registration, performance of obligations, and security of livelihood can be taken into account. Secondly, mechanisms for the decision-making of farmers' collectives and the rural collective economic organizations. Such matters as land sub-contracting plans, adjustments of sub-contracted land, and the distribution and use of land compensation fees all require deliberation of the members of the collective. This means that without reshaping, the farmers' collectives will still use villagers' committees and villagers' groups as decision-making mechanisms. Thirdly, the protection and relief available for the rights of members of farmers' collectives, as well as members of rural collective economic organizations. In rural communities where rural collective economic organizations have not been reshaped, the protection and relief of the economic rights of the members of the farmers' collectives, such as the right to information and the right to participation, can only be provided in accordance with Article 264 and Paragraph 2 of Article 265 of the *Civil Code*. Consequently, the only difference between farmers' collective and rural collective economic organizations is that one is an abstract concept and the other is a specific concept. Their members are the same and their matters to be made resolutions are the same.

It should be emphasized that under the background of industrialization, the closure of farmers' collectives and the rural collective economic organizations have been impacted to the certain extent. The evolution process of law from ancient to modern times is actually a process from identity to contract. In the identity society, people form the concept of family status and monopolize resources through their origins, resulting in inequality between individuals; In today's world where everyone is born equal, identity society has long been broken, and monopolizing resources through identity has also been denied by law. Although the members of farmers' collectives and the rural collective economic organizations have contracted land or homestead in the countryside with registered residence, due to reasons such as going out to work, non-agricultural income has become their main source of income, so rural resources have no longer played a role in social security for them. However, considering historical factors and other reasons, for the stability of reform, it is still advisable to grant them membership at this stage. If the registered residence is not in the countryside, nor does it own contracted land or homestead, but since it moved out of the household registration, there is no stable job, and there is a large gap between the basic living security provided by the town and the living standard of the members of the collective economic organizations. Under this background, if they are willing to return to the collective economic organizations, the law should grant them col-

lective membership. In the long run, breaking the operational logic of granting membership based on specific identities when conditions are ripe should be a trend, replaced by determining membership based on fairness and contribution size, and membership should have fluidity and openness.

5. Re-Conceptualization of the Subject of Collective Land Ownership

By law, the collective land is owned by the farmers' collectives and the exercise of ownership rights by rural collective economic organizations on behalf of the farmers' collectives is the result of a technical treatment in legislation. It is not at all possible to conclude that the farmers' collectives and the rural collective economic organizations coexist and are not subordinate to each other.

5.1. Status of the Legal Expression of Collective Land Ownership

After the dissolution of the people's commune system, "who inherits the land ownership has become a problem" (Yang, 2015). The *1982 Constitution* stipulates that collective land belongs to the farmers' collectives, which was really a stipulation without better choice. With the dissolution of the people's commune, this institutionalized arrangement for collective land ownership in the era of planned economy, has become history; however, the prior trials after the reform and opening up are impossible to form a specific institutionalized arrangement for the farmers' collectives in a timely manner. With the farmers' collectives as an abstract concept and the absence of a specific institutionalized arrangement, legislators have been forced to think about how they would draft the legal expression of collective land ownership. In order to leave enough room for further reforms and to safeguard the public ownership of collective land, the *1982 Constitution* stipulates that collective land is owned by the collectives, demonstrating the wisdom of the legislation. This wisdom not only reflects the affirmation of the prior trials of rural reform, but also prevents the negative effects that may arise due to the lag at the legislative level, and well balances the contradiction between legal stability and the complexity of practice. Set against the backdrop of the *1982 Constitution* stipulation that collective land is owned by farmers' collectives, and in order to ensure the operation of collective land in practice, the *General Principles of the Civil Law* and the *Land Management Law* of 1986 stipulated that the rural collective economic organization should operate and manage the collective land. This expression was adopted in its entirety by the *Civil Code*. It is generally recognized in the academic community that the change from management to the exercise of rights on behalf is merely a change in formality, and that the substantive meaning has not changed.

5.2. Rural Collective Economic Organization Shall Be the Subject of Collective Land Ownership

The dispute over the subject of rural collective land ownership is caused by the different understanding of the legal text. If the subject of ownership is the far-

mers' collectives, it is impossible to define the subject identity for the farmers' collective in law. This could be suspected as voiding the collective land ownership, and also fails to realize the logical self-consistency in law; if the subject of ownership is the rural collective economic organization, this solves the logical self-consistency in law, but seems to be in conflict with the expression in the legal text and could be suspected as overstepping the law. Farmers' collectives have never been an indeterminate concept whose outreach cannot be defined; farmers' collectives, as an abstract expression, have existed since the socialist transformation of China was completed. A farmers' collective is a collection of farmers within a specific community. Regardless of whether there is an expression of it as a legal subject, this does not affect the fact that farmers' collectives, through certain procedures, internally deal with a series of problems arising from collective land ownership, such as sub-contracted land, distribution of homestead, etc., which is the existing reality that must be recognized. However, this is an abstract expression of political language that the farmers' collective is the subject of rural collective land ownership, based on the internal operating mechanism of rural collective land ownership, and through democratic decision-making methods to realize the specific control of the farmers' collective over the rural collective land ownership. Farmers' collectives that are not specifically institutionalized cannot adapt to the realities of the needs for adequate security over rural collective assets.

The people's commune system, with the formation of the pattern that "production teams are the fundamental units and ownership has three tiers", is the product of the specific institutionalization of farmers' collectives. After the reform and opening up, the farmers' collectives did not carry out specific institutionalization in time, and the legal expression is really an expression without a better choice. But this last resort, due to historical inertia, evolved into the inherent form of expression in law. The dogmatic view of this inherent form of expression, which even concluded that farmers' collectives and rural collective economic organizations are independent concepts, not subordinate to each other, cannot form a logical self-consistency in accordance with the related legal provisions and interpretations of the *Civil Code*. For example, Paragraph 2, Article 261 of the *Civil Code* provides for the collective decision of the farmers' collectives on specific matters, but if the farmers' collectives and the rural collective economic organizations are independent and not subordinate to each other, does it mean that the farmers' collectives, after having made a decision in accordance with Paragraph 2, Article 261 of the *Civil Code*, will have to make a decision again within the framework of the rural collective economic organizations in accordance with other laws? Such a contradiction's occurrence actually separates the natural connection between farmers' collectives and rural collective economic organizations. Rural collective economic organization is the legal subject through which the collective will of farmers is expressed externally, and when carrying out civil legal acts externally, the rural collective economic organization may conclude contracts with the counterparty to the transaction in its

own name. In the broader context of rural collective property rights reform, the reshaping of rural collective economic organizations places special emphasis on the relying nature of collective land and excludes the possibility of the inclusion of farmers' professional cooperatives and the like into rural collective economic organizations. The definition of rural collective economic organization as the collective landowner is consistent with the intent of the legal provisions.

6. Legal Expression of the Relationship between Farmers' Collectives and Rural Collective Economic Organizations

The *Rural Collective Economic Organizations Law* has been reviewed for the first time and will be reviewed for the second time at the end of 2023. The characteristics of the *Rural Collective Economic Organizations Law* can be summarized in the following aspects. Firstly, based on the development and growth of the rural collective economy. The national implementation of the comprehensive rural revitalization strategy aims to prioritize the development of agriculture and rural areas, strengthen the rural collective economy, and ultimately achieve common prosperity for farmers. Secondly, highlight the reliance of the rural collective economic organizations on collective land. Since the reform and opening up, the exercise of rural collective land rights has faced many problems. By formulating the *Rural Collective Economic Organization Law* and clarifying the rules for the exercise of rural collective land rights, it is conducive to clear ownership and stable legal structure. Thirdly, it is emphasized that the responsibility of the rural collective economic organizations lies in the operation and management of collective property. Although the rural collective economic organizations are market entities, their key difference from general market entities lies in their functions, with the management of collective property as their core function.

The expression of the relationship of the *Rural Collective Economic Organizations Law* between farmers' collectives and rural collective economic organizations, etc. is an unavoidable issue. On the basis of the above research, the following legislative proposals are made.

6.1. Clarifying the Relationship between Farmers' Collectives and Rural Collective Economic Organizations

Farmers' collectives are part of the socialist public ownership system and an important feature of the socialist market economic system. It is the most basic guarantee for the farmers to share the fruits of the development of the rural collective economy and to achieve common prosperity. But the farmers' collective is an abstract concept, if there is no specific institutionalized arrangement, the farmers' collectives have not formed a standardized expression in legal language. There will still be tragedies such as big corruption made by petty officials, poor management of collective property, and the incapacity to sustain the interests of members of the collective. Of course, there is no problem in defining the farmers' collectives only from a political point of view as a guarantee for the pre-

servation of public ownership. The particular strong political attribute of the law objectively exists. But the law, after all, has a set of mechanisms for the expression in legal language, and the realization of the expression of the legal language of the farmers' collectives through the technical treatment in legislation is not allowed to be avoided and cannot be avoided.

Given that the *Civil Code* uses both the expressions of farmers' collectives and rural collective economic organizations, but it does not clarify the relationship between the two, in the formulation of the *Rural Collective Economic Organizations Law*, it should be clearly stated that the rural collective economic organization is the specific institutional arrangement of the farmers' collective, and the two are indeed the same subject. In the drafting of the *Rural Collective Economic Organizations Law*, the best way to clarify the relationship between the two is to express and define them in concepts. Therefore, the rural collective economic organization can be defined as follows: a community-based economic organization which is set up on the basis of collectively owned land and other means of production in order to develop the rural collective economy, to ensure the implementation of the two-tier management system which combines the traits of integration and also decentralization in the rural areas and to realize the institutionalization of the farmers' collectives. In this definition, not only are the aims and purposes of the rural collective economic organization clearly defined, but it is also of great significance that it is specifically stated that the rural collective economic organization is a specific institutionalization of the farmers' collectives.

6.2. Clarifying the Ownership of Rural Collective Land

In view of the homogeneity of the farmers' collectives and the rural collective economic organizations, it may be advisable to stipulate clearly in the *Rural Collective Economic Organizations Law* that immovable and movable property owned by the farmers' collectives are the assets of the members of the collective, i.e. owned by the rural collective economic organizations, and that the rural collective economic organizations exercise the right of ownership on behalf of the farmers' collectives. This legislative proposal can be interpreted as follows.

First of all, the *Rural Collective Economic Organizations Law* needs to be consistent with other laws. The current *Constitution*, the *Civil Code* and other laws all provide that farmers' collectives have ownership rights to collectively owned land, and the *Rural Collective Economic Organizations Law* must also be consistent with them; otherwise, from the perspective of consistency in the form, it could be suspected as subordinate law violates the superior law. Of course, such consistency is by no means a simple replication, but rather lays the foundation for enacting further provisions. Secondly, to further provide the collective ownership of the members of the collective equals to the ownership of the rural collective economic organizations. Otherwise, it is still artificially severing the natural connection between farmers' collectives and rural collective economic organizations, resulting in misunderstanding of legal norms and paradoxes in the

application of the law. Thirdly, rural collective economic organizations exercise ownership rights on behalf of the farmers' collectives. This expression not only achieves an effective connection with other laws, but also fully reflects the inclusiveness and foresight of the legislation, showing that the relationship between the two is that one is abstract, and the other is specific, and that the two represent different sides of the same subject. With this understanding, even if they are represented under the same subject, there is no consequence of logic conflicts.

In short, with the reform of rural collective property rights, reshaping the rural collective economic organizations, and legislating rural collective economic organizations on this basis, its impact on the development of rural collective economy in China is far-reaching. On the one hand, the management and operation system of collective property will be optimized from an organizational perspective, helping to form a collective property management platform with effective resource allocation and strong power supervision. On the other hand, specific measures will be taken to deepen rural reform, promote the improvement of rural governance and the construction of harmonious rural areas.

7. Conclusion

Farmers' collectives have existed as an objective part of historical continuity, which not only undertake the mission of collective ownership, but also carry the aspirations of the current times for the common prosperity of the rural areas. Although the farmers' collective is an abstract expression that cannot correspond to a specific civil subject, it does not hinder the practical operation of the farmers' collective, and the farmers' collective has demonstrated strong vitality. However, this kind of practical operation is at the expense of the lack of a scientific governance mechanism. In collective decision-making under relatively simple conditions, it can still achieve its operational effect. Once the collective decision-making matters are complicated, this kind of practical operation will cause great problems, and even jeopardize the growth of the rural collective economy and the protection of the interests of the members. The specific institutionalization of farmers' collectives is an urgent requirement in the context of the deepening reform of rural collective property rights.

Conflicts of Interest

The author declares no conflicts of interest regarding the publication of this paper.

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