

Judicial Empirical Study on the Protection of Collective Assets and Shares of Farmers Settling in Cities

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Abstract

China's urbanization is a major event that affects the world's development process in the 21st century. The settlement of farmers in cities is of great significance for promoting new urbanization, alleviating the contradiction between people and land in China, fully leveraging the effectiveness of property rights, and improving China's rural economic system. The collective asset stock rights of farmers who settle in cities are legal rights protected by laws and policies, and can provide basic living security for farmers who settle in cities. However, the current protection of the collective asset and stock rights of farmers who have settled in cities is facing problems such as a lack of legal norms for collective asset and stock rights, unclear rules for the loss of membership qualifications, obstacles to the realization of shares, and incomplete judicial relief systems. It is necessary to focus on the drawbacks of the existing system, formulate relevant legal norms for the protection of collective asset and stock rights of farmers who have settled in cities, clarify the rules for the loss of membership, and improve the realization methods of collective asset and stock rights, Strengthen the construction of the judicial relief system for the collective assets and stock rights of farmers who have settled in cities, safeguard the legitimate rights and interests of farmers who have settled in cities, and promote the development of new urbanization.

Keywords

Farmers settling in cities, Collective asset shares, Rights protection.

1. Explanation of Farmers Settling Down in Cities and Rural Collective Asset Stocks

1.1. Definition of the concept of farmers settling in cities

Farmers who settle in cities are a product of the process of urbanization, which is different from traditional farmers who rely on agricultural production for a living. Farmers who settle in cities no longer rely on farming for a living, but instead enter the city to work and transfer their household registration to the city, settling down in the city. At present, there is no clear definition of the specific scope of coverage for farmers who settle in cities at the national legal and policy levels [1]. There is no legal concept for farmers who settle in cities, and scholars have different opinions. Some scholars believe that farmers who settle in cities are simply natural persons who have completely separated from the agricultural profession in the process of urbanization [2]. According to the report of the 20th National Congress of the Communist Party of China, some scholars further pointed out that farmers who settled in cities refer to members of rural collective economic organizations who have urban registered residence and wish to stay in cities for a long time and have not paid social security [3].

With the continuous acceleration of urban-rural integration and urbanization, the number of farmers settling in cities is increasing. Relevant data shows that by 2020, the number of farmers

settling in cities has reached 100 million, and this number will continue to expand in the future. Farmers who settle in cities are neither traditional farmers nor pure urban residents, and are a special group in between. With the growing number of farmers settling in cities, the protection of their legitimate rights and interests is also receiving increasing attention. Many national policy documents related to agricultural reform have gradually emphasized the protection of the legitimate land rights and interests of farmers who settle in cities.

1.2. Brief Description of Rural Collective Asset Stock Rights and Interests

Rural collective asset shares are the rights of rural collective members to obtain quantitative distribution shares of collective operating assets [4]. They are the product of the central government's deepening of the reform of the rural collective property rights system and have important significance for rural areas and farmers. On the one hand, this not only increases the property income of farmers and improves their lives, but also are planning and distribution of rural collective assets, which is beneficial to the development of rural economy and to a certain extent, can promote rural revitalization and achieve good development of rural areas. It is an important reform beneficial to the national economy and people's livelihood. Some scholars believe that rural collective asset shares are a form of shareholding realization of the distribution rights of income among rural collective members [5]. In 2016, the Central Committee of the Communist Party of China and the State Council issued the "Opinions on Steadily Promoting the Reform of Rural Collective Property Rights System", which quantifies rural collective operating assets to their own collective members in the form of shares or shares, as the basic basis for collective members to participate in collective income distribution. Rural collective economic organizations have achieved shareholding reform, with member rights converted into equity and shares becoming the carrier of income distribution rights [6]. From this, it can be seen that there is a close relationship between rural collective asset shares and the membership of rural collective economic organizations, and the right to distribute shares is based on the membership rights in the collective ownership of the members of the collective.

1.3. The collective asset stock rights of farmers who settle in cities are property rights protected by law

The collective asset stock rights of farmers who settle down in the city are the property rights that they obtain based on their collective membership before settling down in the city and continue to enjoy in accordance with the law after settling down in the city. The current laws, regulations, and policies do not stipulate that farmers who settle down in cities will lose their membership in rural collective economic organizations. Farmers who settle down in cities also do not fall under the circumstances of losing their membership as stipulated in Article 18 of the Draft Law on Rural Collective Economic Organizations. Farmers who settle down in cities still enjoy the right to collective assets and shares. Moreover, relevant national policies and regulations ensure that farmers who settle in cities can bring their rights and land into the city. In 2015, the Central Committee of the Communist Party of China and the State Council issued the "Comprehensive Implementation Plan for Deepening Rural Reform", which clearly stated the need to effectively safeguard the land contracting rights, homestead use rights, and collective income distribution rights of farmers who settle in cities. In 2022, the report of the 20th National Congress of the Communist Party of China once again emphasized the need to protect the legitimate land rights and interests of farmers who settle in cities. From this, it can be seen that the central government attaches great importance to the legitimate rights and interests of farmers who have settled in cities. Protecting the collective assets and shares of farmers who have settled in cities is a need to implement central policies, and the collective assets and shares of farmers who have settled in cities are property rights protected by law.

2. The practical significance of protecting the collective assets and stock rights of farmers who settle in cities

2.1. Beneficial to highlighting the core legal values of fairness and justice

Rural collective asset shares are the carrier of collective income distribution rights, which can effectively increase farmers' property income. In some rural collective economic organizations in the developed eastern coastal areas, their income can even reach a new high of one billion yuan. After the completion of their shareholding reform, farmers can receive profits of tens of thousands of yuan based on their collective member shares. Rural collective asset shares are of great significance in increasing farmers' property income. The group of farmers who settle in cities has a transitional characteristic, as they have just migrated from rural areas to cities and have not yet fully integrated into the city. They are still in a transitional stage between urban residents and farmers. At this time, the farmers who settled in the city have just separated from the main occupation of agriculture and are working and doing business in the city. They are still in a low income and unstable state economically, and cannot enjoy the same social security benefits as the original urban residents. They are facing many difficulties in living in the city. Compared to urban indigenous and traditional farmers, farmers who settle in cities face many risks in their lives and work, and are in a disadvantaged position. If we immediately break away from the original rural collective economic organization and no longer enjoy the right to share collective interests, it will cause farmers who settle in cities to lose a stable property income, which is not conducive to their stable life in the city, and it is not fair for this special group of farmers who settle in cities.

Fairness and justice are the most fundamental values to be followed in the socialist legal system and also the core values of law. For the special group of farmers who have settled in cities, the compulsory withdrawal of rural collective land rights with strong social security attributes before they receive complete social security measures is very unfair to farmers who have settled in cities, violates the universal pursuit of fairness and justice in society, and also infringes on the survival and equal development rights of farmers who have settled in cities [7]. But if the land rights and interests of farmers who settle in cities are preserved and their collective asset and property rights are protected, it will reduce the risk level of urban life for farmers who settle in cities and help them better integrate into the city. When farmers who settle in urban areas have formed a stable life and enjoy the same social security treatment as urban residents, their collective asset and stock rights in rural areas can be voluntarily withdrawn with compensation, achieving justice above the withdrawal rights of farmers who settle in urban areas and a positive synergy between the efficiency needs of social aspects for the withdrawal rights of farmers who settle in urban areas, and achieving a balance between personal justice and social justice [8]. Therefore, national policies allowing farmers who have settled in cities to retain their "three rights" and encouraging them to voluntarily withdraw with compensation are a manifestation of substantive fairness and protection of the weak. They can form a good balance between national policies, expected benefits for farmers who have settled in cities, and the interests of farmers who have not settled in cities, and can also demonstrate the core legal values of fairness and justice.

2.2. Beneficial to promoting the construction of new urbanization

Urbanization construction plays an important role in the development of the national economy. Affected by the policy of emphasizing agriculture and suppressing commerce, ancient Chinese society was a self-sufficient feudal small-scale peasant economy, which led to China being a traditional agricultural country for thousands of years. China's urbanization level was very low and it was in a backward position worldwide. After the reform and opening up, the transformation of economic policies and the improvement of various infrastructure have led to

more and more farmers migrating from rural areas to cities, bringing a large amount of labor force to cities. The continuous improvement of urbanization has had a profound impact on the development of China's social economy. However, there is still great room for improvement in China's urbanization level, and China is still continuously promoting urbanization construction. The fundamental reason for new urbanization lies in the urbanization of farmers [9]. Farmers who settle in cities are an inevitable product of China's new urbanization development and an important force affecting China's development in the 21st century [10]. In the process of new urbanization, farmers who settle down in cities are different from traditional farmers and urban indigenous residents in terms of identity, rights, and other aspects. Therefore, it is necessary to make reasonable institutional arrangements for their various rights and interests, including collective assets and stock rights. Protecting the collective assets and shares of farmers who settle in cities and increasing their property income can help them better live in cities, greatly promote China's urbanization construction, and improve the level of urbanization in China.

2.3. It is conducive to rural revitalization and Common prosperity

The implementation of the rural revitalization strategy can effectively promote the economic development of rural areas and meet the aspirations of rural residents for a better life. As a plan aimed at fundamentally solving the urban-rural gap and promoting Common prosperity, the rural revitalization strategy plays an important role in promoting the coordinated development of regional economy, achieving Common prosperity and ensuring intergenerational equity. Protecting the collective assets and shares of farmers who settle in cities can help them live a stable life in the city and quickly pass the transition period of integration into the city. At the same time, the state encourages farmers who have settled in cities to withdraw their collective land rights and interests with compensation. The paid withdrawal and transfer of collective assets and shares of farmers who have settled in cities not only increases their property income, but also promotes the integration and redistribution of rural resources, protects the land rights and interests of farmers who have not settled in cities, promotes economic development in rural areas, injects strong support into rural revitalization strategies, and narrows income disparities, Promote the realization of Common prosperity.

3. The Difficulties Faced by the Protection of Collective Assets and Shares of Farmers Settling in Cities

3.1. Lack of legislative protection for collective asset shares of farmers settling in cities

Although the central policy clearly states the need to protect the legitimate rights and interests of farmers who settle in cities, due to the current exploration stage of the rural collective asset share reform system, the legal provisions are not perfect, and there is no specific legislation on rural collective asset shares. Only some normative legal documents and local regulations with lower effectiveness regulate their acquisition, circulation, and transfer of collective asset shares of farmers who settle in cities. There is no unified and clear regulation on issues such as loss. National policies only generally state the protection of the "three rights" of farmers who settle in cities and encourage them to voluntarily withdraw with compensation. There is no specific regulation on the standards and scope of paid withdrawal, and policies in different regions also vary. In fact, compared to traditional farmers, farmers who settle in cities have significantly reduced their dependence on homestead land and land contract management rights for survival. Instead, they need collective assets and shares, which have prominent property values and can help them live a more stable life in the city. Therefore, it is necessary to legislate and regulate the relevant issues of collective asset and stock rights of farmers who have settled in cities, in

order to protect the collective asset and stock rights of farmers who have settled in cities. However, in terms of protecting the collective assets and stock rights of farmers who settle in cities, the current legislation has not made clear provisions and lacks legislative protection.

3.2. Unclear rules on whether farmers who settle in cities have lost their membership in collective economic organizations

Rural collective asset shares are based on the membership rights of rural collective economic organizations, and have a close relationship with the membership of rural collective economic organizations. The determination of membership is very important for farmers. Once the membership of rural collective economic organizations is lost, they will no longer enjoy the rights and interests of rural collective asset shares. The issue of the criteria for determining collective membership has always been a focus of controversy in the academic community. Gao Fei believes that the legislation should establish the criteria for obtaining and losing collective membership based on the principle of registered residence and supplemented by basic subsistence security [11]. From the perspective of legalization of collective member confirmation standards, Dai Wei believes that we should adhere to the fairness of collective resource allocation, as well as the safeguarding and operating functions of collective economic organizations [12]. Fang Shaokun believes that the determination of membership should be examined from the perspective of judicial relief [13]. The draft Law on Rural Collective Economic Organizations stipulates that the members of collective economic organizations should be recognized by taking into account registered residence relationship, rural land contracting relationship, production and living conditions, sources of basic living security, contributions to collective accumulation and other factors.

The current Law on Rural Collective Economic Organizations has not yet been enacted, and there is no specific and clear regulation on the recognition and loss of collective membership in any law. The legal rules are unclear. The identification of the membership of rural collective economic organizations and its internal relationship with the membership of rural collective economic organizations, as well as the basic relationship between farmers settling in cities and rural collective economic organizations, Villagers' committee or villagers' groups, are all subject relationships that need to be further clarified [14]. Whether farmers who settle in urban areas have the membership of rural collective economic organizations is related to the collective membership rights and collective asset shares, and cannot be "one size fits all" regulations. In accordance with the provisions of the Legislative Law, the recognition rules for the membership of rural collective economic organizations should be established by law [15], and the recognition and loss rules for the collective membership of farmers who settle in urban areas should be clarified.

3.3. The implementation of collective asset and stock rights for farmers settling in cities is hindered

The collective asset shares of farmers who settle in cities are tangible property rights that can increase their property income and provide them with a living guarantee. The Opinion on Steadily Promoting the Reform of Rural Collective Property Rights System clearly proposes to fully grant six rights: possession, income, inheritance, paid withdrawal, mortgage, and guarantee. Under the guidance of this opinion, pilot projects for share transfer have been carried out in various regions and relevant measures have been formulated. However, due to the current lack of relevant laws and regulations, the pilot methods in different regions are also different. In addition, the country has not opened up the individual transfer market, which hinders the realization of the rights and powers of rural collective assets and shares, and cannot truly achieve the various rights and powers stipulated in the Opinion. For example, in terms of the transfer of rural collective asset shares, some places stipulate that collective asset shares can be transferred externally, while others do not allow external transfer, and the transferee is

limited to the members of the collective economic organization. The unclear scope of the circulation of collective asset shares has caused difficulties in the realization of rights such as pledge, transfer, and mortgage of collective asset shares. In addition, national policies encourage farmers who settle in cities to withdraw from the collective "three rights" with compensation, but there is no standard for paid withdrawal and transfer, resulting in significant differences in compensation standards among different regions. Farmers who settle in cities do not receive good compensation, seriously suppressing their willingness to legally transfer and withdraw from collective assets and shares with compensation.

The ownership of rural collective asset shares is the key to realizing the property rights of farmers who have settled in cities. The six major powers possessed by rural collective asset shares play an important role in increasing the income of farmers who have settled in cities. However, currently, neither the national unified laws and regulations nor local regulations have established systematic institutional norms for the realization of rural collective asset share rights [16], and the rules for the realization of share rights are not clear, which leads to numerous obstacles for the realization of collective asset share rights for farmers who settle in cities.

3.4. Imperfect judicial relief system for collective assets and stock rights of farmers who settle in cities

When rights are violated, judicial relief is needed, and justice is the last line of defense for protecting rights. The collective asset and stock rights of farmers who have settled in cities are important material guarantees and economic sources for their urban life. The recognition and protection of the collective asset and stock rights of farmers who have settled in cities is an important guidance for current legislation and policies. The protection of collective asset and stock rights of farmers who have settled in cities not only requires positive protection from the aspects of rights granting and realization, but also needs to curb the occurrence of infringement of collective asset and stock rights of farmers who have settled in cities. It is necessary to provide judicial relief, design a reasonable judicial relief system, and more comprehensively protect the collective asset and stock rights of farmers who have settled in cities.

At present, the judicial relief system for the protection of collective assets and shares of farmers who settle in cities is not perfect. The author searched for a total of 96 judgment documents from the Chinese Judgment Document Network, using the keywords "farmers settling in cities" and "shares". Using the keywords "rural collective asset shares" and "transfer", a total of 8 judgment documents were found. After screening and analysis, a total of 3 judgment documents related to the collective asset shares of farmers settling in cities were retrieved. Through reviewing and analyzing these three judicial documents, the author found that the people's court ultimately rejected the plaintiff's request. Among them, in the (2022) E09 Minzhong 408 case, the plaintiff obtained the equity certificate issued by the collective economic organization before settling in the city and enjoyed the collective asset shares, but did not enjoy the share dividends after settling in the city, resulting in a dispute with another member of the village collective. However, the people's court believes that the collective asset and stock interests claimed by the plaintiff are based on the membership of the collective economic organization and the corresponding rural land contracting and management rights. The determination of collective membership and the ownership of land contracting and management rights belong to government processing matters, and do not fall within the scope of civil litigation accepted by the people's court. Therefore, the plaintiff's lawsuit is rejected. In the (2019) Lu 0213 Min Chu 709 case, the court also dismissed the lawsuit and did not hear it on the grounds that the premise of confirming the collective asset and stock rights of farmers who settled in the city was to determine whether the plaintiff was a member of a rural collective economic organization, and the confirmation of the membership of a collective economic organization

was a matter within the autonomous scope of the collective economic organization and did not fall within the scope of the people's court.

Due to the lack of legislation, there are no clear legal provisions on the specific scope of farmers' collective asset share rights and interests settled in cities, and the boundary between judicial intervention and member autonomy is not clear. Judges have no clear legal provisions to rely on when making judicial decisions. Most of them use legal principles to make judgments, and lack Substantive law norms that can be directly relied on. Most courts directly identify farmers' collective asset share disputes as members' autonomy matters, Refusing to make a judgment on the grounds that it is not within the scope of court proceedings. This will undoubtedly pose a significant obstacle for farmers who settle in cities to seek relief for their collective asset and stock rights, making it impossible for them to obtain reasonable relief through judicial procedures and safeguard their legitimate land rights.

4. Optimization Path for the Protection of Collective Assets and Shares of Farmers Settling in Cities

4.1. Improve the legal provisions on collective asset shares of farmers who settle in cities

The fourth item of the Opinions on Further Promoting the Reform of the registered residence System clearly stipulates that the right to distribution of collective income when settling in cities is the legitimate property right that farmers, as members of collective economic organizations, should enjoy. Collective asset shares are the carrier of collective income distribution rights under the reform of the stock cooperation system. As the legitimate property rights of farmers who settle in cities, they should be reasonably and legally protected. At present, the shareholding system reform system is not perfect, and there is no specialized legislation on rural collective asset shares. The protection of the collective asset and stock rights of farmers who settle in cities is only reflected in national policies, scattered in local legal documents and policy provisions. There are no clear legal provisions on the scope, implementation methods, judicial remedies, etc. of the collective asset and stock rights of farmers who settle in cities, and there is a lack of legislation, which is not conducive to the realization of the collective asset and stock rights of farmers who settle in cities. Therefore, relevant laws and regulations on the collective asset and stock rights of farmers who settle in cities should be introduced as soon as possible to make up for the lack of legislation. At the same time, it is necessary to establish a collaborative protection concept for the collective asset and stock rights of farmers who have settled in cities, coordinate the relationship between legislation and policies, avoid conflicts between relevant policies and laws, and enable legislation and administration to coordinate and protect the collective asset and stock rights of farmers who have settled in cities.

4.2. Clarify the rules for farmers who settle in cities to lose their membership in collective economic organizations

Farmers settling down in cities is not a necessary and sufficient condition for them to directly lose their membership. Current legislation does not provide that farmers who settle down in cities lose their membership in collective economic organizations. Farmers settling down in cities does not belong to the situation of losing their membership as stipulated in Article 18 of the Rural Collective Economic Organization Law (Draft), However, farmers who explicitly "become national civil servants" and "voluntarily withdraw" lose their membership in rural collective economic organizations. From this, it can be seen that in principle, settling down in cities does not necessarily lead to the loss of their membership in collective economic organizations. But it is undeniable that there is also a considerable connection between settling

down in the city and losing their membership [17]. Farmers settling down in the city actually means that they hope to integrate into urban life and become part of urban residents, separated from rural collectives. It is not fair for farmers who have not settled down in the city to retain their membership in the rural collective economic organization. However, due to the special nature of farmers settling down in the city, Before it fully integrates into the city, it is necessary to continue to use collective land rights as a basic livelihood guarantee. Therefore, it is necessary to carefully consider the reasonable criteria for the loss of collective membership of farmers who have settled in cities, and consider whether farmers who have settled in cities have access to other alternative basic living guarantees [18]. When farmers who settle in cities receive stable and sustainable survival guarantees in areas outside of collective land, they should no longer retain their membership in collective economic organizations [19]. For farmers who continue to use collective land as basic living security during the transition period, they should retain their membership in collective economic organizations and protect their legitimate land rights, so that they can better integrate into the city and promote urbanization development.

At present, the legal rules for farmers who settle in cities to lose their collective membership are not clear. Most members of collective economic organizations have made decisions, which can easily cause harm to the enjoyment of collective assets and stock rights of farmers who settle in cities. Therefore, it is necessary to clarify the rules and standards for farmers who settle in cities to lose their collective membership in law as soon as possible, in order to clarify specific legal provisions for guiding the recognition and loss of membership.

4.3. Improve the implementation method of collective asset shares for farmers who settle in cities

With the implementation of the rural revitalization strategy, the development of agricultural industrialization, and the continuous progress of the rural collective economic asset shareholding system reform, the property rights structure will develop towards an increasingly market-oriented direction [20]. The promotion of the reform of the rural collective asset stock cooperation system has enabled farmers who settle in cities to enjoy their legitimate rights and interests, including the right to collective income distribution, to be uniformly guaranteed using the rural collective asset stock rights as a carrier, and equally quantified to individuals. Rural collective asset stock rights are rights with property attributes, possess market genes, and can be subject to market evaluation and transaction prices like other market factors. They have the possibility of further docking with paid exit and paid transfer. The "Opinions on Steadily Promoting the Reform of Rural Collective Property Rights System" also clearly endows rural collective asset stocks with six major powers, including paid exit. However, there is currently no unified and clear rules for the realization of share rights, and the mechanism for paid withdrawal and transfer of collective asset shares of farmers who settle in cities is not perfect. Unclear rules for the realization of share rights will, to a certain extent, hinder the realization of rural collective asset shares, so that the normal property value of rural collective asset shares cannot be played, and it is also not conducive to the income increase of farmers settling in cities. Therefore, it is necessary to clarify the rules for the realization of the rights and interests of collective assets and shares, improve the mechanism for paid withdrawal and transfer, establish an open and unified rural property rights trading platform, and transfer collective assets and shares through market-oriented methods, clarify the scope of transfer, and achieve transaction protection for the rights and interests of collective assets and shares of farmers who settle in cities.

4.4. Strengthening Judicial Relief for the Protection of Collective Assets and Stock Rights of Farmers Settling in Cities

Judicial relief is an important channel for protecting the collective assets and stock rights of farmers who settle in cities, and also the last line of defense for rights relief. However, due to the lack of current legislation, the boundary between judicial intervention and member autonomy is not clear, and courts often refuse to try on the grounds that it belongs to member autonomy matters, which does not have legitimacy. The pursuit of rural collective economic organizations by their members may also lead to conflicts of interest, which in turn require judicial organs to make fair judgments. Moreover, member autonomy is not perfect and has certain drawbacks. At present, compared to farmers who continue to stay in rural areas, the number of migrant farmers in most areas is relatively small, and in fact, they have separated from rural life and production activities, making them vulnerable in democratic decision-making. With the increase of time away from home, the emotional connection elements are gradually becoming indifferent, and member decisions made through democratic majority decision-making may infringe on their interests. Only when judicial authorities intervene and handle disputes between the parties fairly can the legitimate rights and interests of farmers who have settled in cities be better protected. Therefore, the intervention and handling of judicial organs have practical necessity. Judicial organs should clarify the boundary between judicial intervention and member autonomy as soon as possible, balance the relationship between judicial judgment and member autonomy, and clarify the scope of jurisdiction of judicial organs in handling disputes over rural collective assets and shares, in order to achieve judicial justice and protect the legitimate rights and interests of farmers who settle in cities.

In addition, the current judicial adjudication lacks relevant Substantive law norms that can be directly relied on. The legislature should clearly define the scope of collective asset share rights and interests enjoyed by farmers settling in cities as soon as possible. On the basis of identifying the scope of collective asset share rights and interests of farmers settling in cities, it should further clarify which types of rights and interests exist and which violations belong to the scope of judicial relief, We should focus on how to effectively protect the rights and interests of farmers' collective assets to settle in cities to build judicial relief rules, improve the provisions of the Procedural law, refine the rules of judicial adjudication, crack down on infringement, and strengthen the judicial relief of farmers' collective qualification shares to settle in cities.

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References

- [1] Jin Li: Empirical Research on the Land Rights' Protection of Urban-registered Migrant Peasants in the Background of the Integration of Rural and Urban, *Issues in Agricultural Economy*, Vol.38 (2017) No.11, p.48-59+111.
- [2] Yang Qinggui: Thereal Expression and Institutional Response of Protection of Homestead's Rights and Interests for Peasants Settled in City, *Journal of Chongqing University (Social Science Edition)*, Vol.25 (2019) No.3, P.147-157.
- [3] Fang Shaokun, Yuan Xiaoyan: Legal Protection of the Legitimate Land Rights and Interests of Farmers Settled in Cities, *Exploration and Free Views*, (2023) No.4, p.112-124+179.

- [4] Han Song: Right of Members of Farmers' Collectives to Shares in Collective Assets, Chinese Journal of Law, Vol.44 (2022) No.3, p.3-20.
- [5] Qi Lei, Zhou Lina: Research on the Legal Nature of Rural Collective Asset Shares, People·Rule of Law, (2019) No.9, p.27-29.
- [6] Jin Xiangmu, Wang Yongmei: Strategic Deconstruction and Roadmap of the "Three Rights" Issues of Farmers Settling in Cities in the New Era, Journal of Zhejiang University (Humanities and Social Sciences), Vol.49 (2019) No.6, p.147-165.
- [7] Fan Houjie: *Research on the Withdrawal of Three Collective Land Rights after Farmers Settle in the City* (MS., Lanzhou University, China 2021), p.1-69.
- [8] Roscoe Pound, Shen Zongling (Translator): *Social Control Through Law* (The Commercial Press, China 1984), P.1-71.
- [9] Yang Qinggui: The Juridical Logic and Path Optimization of the Bargained Homestead Exit Reform of Farmers Settled in Cities, Tribune of Economic Law, Vol.22 (2019) No.1, p.234-251.
- [10] Yang Qinggui: Thereal Expression and Institutional Response of Protection of Homestead's Rights and Interests for Peasants Settled in City, Journal of Chongqing University (Social Science Edition), Vol.25 (2019) No.3, p.147-157.
- [11] Gao Fei: The Legislative Choice of Membership Recognition of Rural Collective Economic Organizations, Journal of Soochow University (Philosophy & Social Science Edition), Vol.40 (2019) No.2, p.37-45+191.
- [12] Dai Wei: Research on the Membership System of Rural Collective Economic Organizations, Studies in Law and Business, Vol.33 (2016) No.6, p.83-94.
- [13] Fang Shaokun, Lu Pengyu: The Realistic Judicial Logic of Farmers' Membership Recognition, Journal of Shandong University (Philosophy and Social Sciences), (2022) No.6, p.22-36.
- [14] Yang Qinggui: The Juridical Logic and Path Optimization of the Bargained Homestead Exit Reform of Farmers Settled in Cities, Tribune of Economic Law, Vol.22 (2019) No.1, p.234-251.
- [15] Yang Qinggui: The Practical Dilemma and Institutional Norms of Paid Withdrawal of Homestead Land by Farmers Settling in Cities: From the Perspective of Implementing Article 62 (6) of the Land Management Law, Research on Real Estate Law of China, (2020) No.2, p.112-126.
- [16] Ye Rujun: *Study on the Legal System of Share Transfer of Rural Collective Operating Assets* (Ms., Southwest University of Political Science and Law, China 2019), p.1-45.
- [17] Fang Shaokun, Yuan Xiaoyan: Legal Protection of the Legitimate Land Rights and Interests of Farmers Settled in Cities, Exploration and Free Views, (2023) No.4, p.112-124+179.
- [18] Gao Hai: On the Withdrawal of the 'Three Rights' of Collective Land after the Peasants Settled in the City, China Legal Science, (2020) No.2, p.30-47.
- [19] Dai Wei: Research on the Membership System of Rural Collective Economic Organizations, Studies in Law and Business, Vol.33 (2016) No.6, p.83-94.
- [20] Gao Shengping: Allocation of Legal Rights to Contracted Rural Land after the Revision of the Rural Land Contracting Law, Chinese Journal of Law, Vol.41 (2019) No.5, p. 44-62.