

Land Requisition in China : Problem Analysis and Policy Recommendation

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Abstract. Along with China's rapid economic development and urbanization, the land compensation issue will become prominent. So, there is an urgent need to improve the land acquisition compensation system in china. China's land requisition compensation standard is developed during the planned economic period, which is far behind the society economic developing level. So it must be revised. The reasonability of the land requisition compensation cost is the key to solve city opposing to the country problem during the country transiting to the city period. On the basis of stating the land expropriation situation, carry on the evaluating the current reasonableness of the land requisition compensation standard and offer the idea to confirm the land requisition compensation standard reasonable.

Keywords: land expropriation, land requisition compensation, setting, farmer

1. The general situation of china's land expropriation

The present situation of land acquisition.

Land is the foundation of the production and living condition of the rural population. Land is not only the very important raw material, but also play an important role in the production and living condition of the rural population. The right of operation of land contracted by peasants shall be protected by law, plan the social security charge of farmer of the ground that be asked for, ensure the life of farmer of the ground that be asked for, safeguard the legitimate rights and interests of farmer of the ground that be asked for. Since 90 decade of past century, at home and abroad, many researchers from different angles on existing problems in the course of land acquisition for the study, so as to establish the new system of land expropriation. Land requisition compensation is the centre ²of land requisition compensation. Therefore, recent study on relationship of land expropriation and land requisition compensation has been attracted more and more attention.

Land levy is a main reason to result in the rural conflict in China now. So innovate the compensation system of land expropriation is not a moment to be lost. Land expropriation began in the planned economy era, with the changes in the economic system, the existing land requisition system become increasingly unsuited to the requirements of the market economy. The present land compensation standard is not quite reasonable for losing land farmers. Besides the problems of employment-promotion policy, what makes their situation more severe is the social exclusion including lace of their land, finance, re-education opportunity and spatial separation, which have infringed on the interests of the farmers and produced some factors of insecurity.

2. The current land requisition compensation standard

Establishing and consummating the unified annual production criteria and integrated land section price of land expropriation are an important act to fasten the land requisition compensation in our country, to enhance the same price and also the inevitable requirement of raise the land requisition compensation standard and to safeguard the legitimate rights and interests of farmer of the ground that be asked for. Every place should establish the dynamic adjustment of compensation standard and we will make some adjustment to the compensation standard according to the level of economic growth in the local area and the growing rate of per capita income every 2 or 3 years and improve the standards gradually.

After the implementation of unified annual output value of standard land and comprehensive land price, according to the principle that land expropriation compensation should be mainly used for land-expropriated peasants, considering the implementation of land expropriation in recent years, comprehensive land compensation distribution measures should be made. When the implementation of land expropriation is approved, the city Department of land and resources should timely pay the placement fee of compensation in full according to the determined land expropriation compensation scheme. It should be given to the land expropriated peasants directly. The problem of interception and misappropriation of the money should be prevented and corrected timely.

3. Defects of the land compensation cost

The level of the land compensation cost is lower

It is low to do the compensation standard that is a common problem in the process of the land expropriation. Low compensation cost has detrimental effects on Violate the legitimate rights and interests of farmer of the ground and social stability and harmony.

To direct “the Land Management Law of the People’s Republic of China” relevant provision: in requisitioning land, compensation should be made according to the original purposes of the land requisitioned. Compensation fees for land requisitioned include land compensation fees, resettlement fees and compensation for attachments to or green crops on the land. Apart from the particularity of compensation for attachments, land compensation fees and resettlement fees played an important role in the land compensation fees, and the connotation of integrated land section price of land expropriation. As to whether land requisition compensation standard is reasonable. It will have a direct impact on the interests of farmers; investments from governmental and these directly affect the successful implementation of land acquisition and stability of society.

There are obvious differences in land requisition compensation standard, \$2250 million/hm² to \$5250 million/hm² in cash at the time of purchase. The expert gets certification through evaluation, compensation fees for land requisition accounts for 10% of the land remising revenue. Farmland is the life blood of formers, which is of significance to the development of agricultural production. Compensation fees for land requisition are obviously on the low side so that the legitimate rights and interests of farmers are injured.

4. The injustice of the distribution of land compensation

In many areas, the general practice in respect to the allocation of compensation for land requisition is that the farmers will directly receive the compensation for their lands and the green crops subsidies, while the resettlement fees will be paid to the township government; in addition, different areas, different ages and different individuals are subject to different allocation requirements in land requisition compensation.

5. Tremendous divergent between compensation fees and land remising price

In China, the subject of land requisition is our country. It is equal to the country has the absolute monopoly and compulsory of land requisition; The object of land requisition is collective land, that is to say, Under the State Government Macroscopic Intervention, it causing the ownership or use right of collective land in a passive position; the purpose of land requisition is to ensure that the social public interest such as the interests of public facilities and public welfare are truly coordinated; the substance of land requisition is the land ownership transfer, in other words change the collective land to the state.

6. The reasonable prospect of land requisition compensation cost

Deepen the reform of property right system of collective land

Accelerate the construction process of rural collective land property right system. Further make clear the main body of agricultural land property right in the form of law. Make sure that owners of collective land and state-owned land owners have equal right of subject. Make sure that when collective land is expropriated, the interest of peasants and the collective should not be harmed. If the government does not expropriate the collective land based on the public interest, the owners of the collective land have the right to reject. With the compensation standard of land expropriation, having land expropriation agents, peasants can negotiate with the government in order to prevent the government from setting the price by force.

Improve the system of land expropriation compensation; explore the new ways of land expropriation compensation

The former land price has broken away from the pure agricultural output value. The former multiple outputs are not consistent with the land expropriation compensation under the condition of market economy. For comprehensive land price, market factors are in full consideration. It is feasible according to the present policy. The measurement standard of land compensation and settlement guarantee fee should be divided into several levels according to the geographic location. The government should define the areas and assess the land prices according to expropriated land in different locations, the types of land use, land productivity, the area of cultivated land per capita and the level of economic development. Comprehensive compensation standard of every 1 and expropriation compensation zone should be made by listening to the suggestions from all sides especially the peasants

Rent compensation mechanism can make sure that agricultural income can be in full compensation. The compensation will be sent to peasants yearly. The basic needs of their life are met. Meantime, it can lessen land disputes and conflicts. The compensation will be sent to the peasants themselves to assure the peasants have the right to know what's going on in the process of land expropriation. Land expropriation compensation should be given to peasants by installment payment. It can reduce the pressure of the government to pay out the expenditure. The government can accumulate funds to carry out the economic construction. Land compensation is an effective way of compensation mechanism of land expropriation. It can make sure that the peasants can get the benefits caused by economic development, urbanization and industrialization in the long term.

Take measures of multiple placements to settle down the land-expropriated peasants

Land expropriation resettlement is a complicated social problem. Not only it is the responsibility of the Department of land and resources, but all departments concerned and local governments at all levels should co-operate to accomplish this huge job. The Department of land and resources under the unified leadership of the government should carry out their duty seriously to make sure that land expropriation should be carried out in a lawful, standard and orderly way. The Department of social security should advance upon setting up and perfecting the social security system of land expropriated peasants to satisfy their interest in the long run. Investment Department should arrange to give the compensation fee to them in full and give reasonable compensation to them according to law. Local governments at all levels should actively expand the way of resettlement to solve the problem of re-employment, considering the local situation.

Standardize the land expropriation of the government

Before the reform and opening-up, our country is an absolutely country of egalitarianism. In view of the present situation in China, government organization will not completely out of the land development market. If the government is exited completely, it increases the development charges and difficulty risks of the enterprises; in contrast, under the immediate control of government, it is not good for fair competition in land market. Land market has the certain particularity. The government as an organizer, it turns out, has play a leading role to the land development. In these scenarios, government operates more efficiently in the process of land expropriation.

Various counties (cities), village and town should pay more attention to the principal position of the land expropriation, take government as the leading factor, and strengthen centralized and unified leadership to emphasize the unification of the standard of land compensation. Government and governments' correlation department needed to strengthen traces the path of the land expropriation practice process. We must deal severely with actions of standard to be raised without permission for land compensation. In especially

serious cases, we must take corresponding measures to better safeguard the authority of land expropriation compensation policy.

7. Further strengthening cooperation in law and regulations

Enforce land expropriation legislation. Many countries and regions made a lot of efforts devoting to law of land expropriation; this has important sense to protecting land resources, ensuring a rational use of and regulating land expropriation acts. Because of the existing legal system for land requisition is imperfect, In the process of land requisition, the unreasonable land expropriation and compensation often appear in the practical production, as a result, more damage to the interests of farmers. Land expropriation law shall be undated to clear its property, the principal position, the rights and duties, the procedure of expropriation and public purpose, so as to be determined according to the land requisition compensation standard.

Regulate the land expropriation compensation working procedures and improve the work diaphaneity. Asking for the local government executes informing, testimony and the hearing procedures in the earlier work of the Land expropriation approval. In “the notification on further improve the management of land expropriation” underlined that, to implement notify in formation and farmers, combine with the Information publicity of government, make full use of radio, bulletin board and so on. As the goal of land expropriation scheme is to preserve the peasant masses right to know and to participate, ensure that the land expropriation act and the land requisition compensation standard will be more just and transparent.

8. References

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