

The Management and Strategy to Rural Homestead In China

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Abstract. Land resources refers to the land as a factor of production and the ecological environment elements. It is the material basis and the source of human production, life and survival, which can provide a variety of products and services for human society, while the rural residential land is fundamental for peasants, and is of great significance to the farmer's production, life and stability. Therefore, the rural residential land management plays a very important role in the land management. Our essay is based on the practical point of view, according to the practical research of registration and certification conducted on Wang Jian production team in Bobai village of Bobai town of Bobai county in Guangxi province, and with the relevant information ,the data and profile we have been collected ,the essay is going to research and analyze on the investigation which relates to ownership of the land management problems, and give the corresponding solving methods.

Introduction

“Land is the source of most property, who controls the land means who will control the future”[1]The concept of land to economics is that land and labor are the two primary factors of the formation of wealth, and that is to say land is the source of all wealth. For the towns and cities in China, they all have established and improved the strictness of residential registration system to protect the city of residential land science, and management. In China's vast rural areas, farmers residential land -- land due to the land system causes, does not establish a complete residential registration system.And for the rural homestead management, the grass-roots sector presents an extensive phenomenon. There are a series of problems of the rural homestead management. This paper describes the details of the management during the rural housing land registration certification and the mentioned authority survey questions relating to the process.

Difficulty analysis and Countermeasures of the residential land ownership boundary survey

The ownership of land survey is an important method for determination of homestead registration of residential land ownership, but also a part of the work of land management, the content includes for each land users, land location, source, land ownership boundary, area, use and land type of field survey records, approved, the establishment of land ownership boundary points, drawing parcel sketch etc.

The residential land ownership boundary survey includes the neighborhood and parcel number (unit), the name, the boundary point position, number and ownership boundaries, parcel area, building area, adjacent units.

1) Difficulties of residential land ownership boundary survey. Study on regional residential land ownership boundary survey mainly has the following several problems.Land registration information has been signed the "land ownership boundary agreement", through the search of land management archives may confirm the estate boundary location. It has confirmed the land ownership boundary problem , Because of the long time or at the time of the operation is not the standard or other reasons, the registration information is incomplete or incorrect, needs

supplementary materials or a boundary adjustment.

Land ownership boundary is not recognized. The survey found, most of the homestead not to register the study area, including several conditions: first, as the city continues to expand, not far from the urban area because of the need of city construction, there is a part of the collective land has been used is levied for the state-owned construction, but this part of the land is not clear to the land users , therefore failed to confirm the ownership of property, second the study area is a part of land before the land management system in China is not out of it is already in use, but the land user fails to provide management authority sources, so he could not confirm the estate boundary location; third, the study area is a part of the common use of land which is the ancestral home of brothers for the name , or the villagers or the village collective shared housing, can not be divided their use alone area, so it can not confirm the estate boundary location; such as the original land users is the father, his father after the death of the son is by using, or is the original live, now raising cattle, as shown in figure 1.



Figure 1. Wang Jian's homestead

Due to the construction of rural housing is rather casual, the parcel boundary point set is not formal , for example, some are in a temporary building at the side of the road as the boundary point, the houses built around the pond see the pond as the boundary point . After investigation and study on regional land boundary point which set mostly in every house of the corner as the boundary points, a small segment of parcel boundary points are also described as what we've mentioned before.

2) Countermeasures of the residential land ownership boundary survey. The complete or land registration information has signed the "land ownership boundary agreement". Once being checked for the registration, or errors in boundary adjustment, the relevant parties and legal representative or the agent should jointly point that land ownership boundaries should signed the "agreement". after both parties refers the existing legal approval documents of construction land or land use permits , in line with the actual line on the map is the same as which on the table that both sides have signed, it can only be recognized by the parcel. Which belongs to the common boundary line must be shared by both the field identification and sign on the boundary questionnaire (seal). The parcel and adjacent landmarks parcel must find out its own wall, sharing wall, lent wall etc. The boundary line of land along the street, alley is can only be pointed by this parcel and recognized by his signature. Parcel has boundary markers certification, unified conversion coordinates, the boundary line (red line) marked on the map with the boundary line alignment, which belongs to a small number of cases with boundary is determined according to the actual land boundaries, indicating the original license-issuing area and occupied area in the questionnaire, the post-processing should be recognized by actual use and bound, or agreed upon by the present situation. So that the common land ownership that both sides cannot argue for it. Such as the right parties cannot arrive at the same time, the people can sign respectively according to "land ownership boundary cognizance book".

Without registration, the parties and legal representative or the agent should jointly define the boundary. Collective land or no clear user state-owned land belongs to ownership boundaries, it was signed and refined by the collective land users, or through the relevant regulations and field survey results confirm. The land that has been levied but not clearly has been set boundaries must be defined by expropriation boundary according to the right to use state-owned land. For the history of land and land ownership that can not provide the data source, it must be set boundary by the present situation. Set the wall or a side of the wall as a boundary, so the boundary along the outer wall were determined, but outline the wall (genus structural), should remain the main structure of the building shape. The old house that has been shared by brothers or the same family name villagers or the

collective house cannot be divided as a separate area. The house should be handled together. For those lands that have been changed, it needs relevant information and then the relevant person needs to sign at scene.

The study area boundary point has following requirements: a) The land boundary was defined by its ownership, classification and present situation. The boundary point is located in the real situation. b) The buried concrete boundary should work according to "urban cadastral survey procedures" in Appendix C. Usually painted boundary sign on the wall, do it as beautiful as possible in the painting process, and make sure that the mark is not too large. The device is in the corner or the turning point of the wall clearly, one meter beneath the position. c) With aluminum cap steel boundary nail on the hard ground or road, it makes it easier to find the object, and if we tie a red plastic bag on it will facilitate the measurement of the next boundary point. d) Red paint boundary mark should be painted 0.5m from the ground, in some difficult or golden mile could be 0.5-1m. e) The maximum length of adjacent boundary point should be no more than 50m, if the length is longer than 50m, it should be treated as internal boundary point, and length within 30m should be measured by steel ruler, and the minimum should be in 10m and be written down on the script. If the field cannot be measured, or longer than 30m and then it should be replaced by the inverse value calculation. f) When it is difficult to set up boundary then it can be no landmarks. But point out the distance of boundary point to adjacent object and explain it in the questionnaire. g) If the adjacent land has a boundary point in this one, then they share it. (h) The balcony, suspended walkways, outdoor stairs and step in the measurement of the cadastral map should be pointed out with a dotted line to ground and based for boundary line..

Default problem analysis and countermeasures

1) Default problem analysis and countermeasures. There are two main reasons for Wang Jian 's default and absence phenomenon :first is Wang Jian 's householders are mainly male labors and they all migrant workers ,they are unable to be at the scene when they are informed. And they do not have a correct understanding of the "principal-agent", so they cannot get home and they have no agent. The second reason is that local villagers disrespect and misunderstand the problems between each other and they don't show up deliberately.

2) default and absence problems countermeasures. The residential land ownership boundary survey is defined by the land users and the adjacent land user on-site, sign and seal on the rural residential land boundary survey. Setting boundaries needs the corporation representatives or committed people. It needs the people to show the ID, certificates and so on. The boundary marks should be ruled by the boundary object.

Investigation personnel must be in accordance with the research plan, the progress of work, time arrangement, and notify the householder (unit) on time to the scene. Default and absence will be dealt with the forming ways .

Analysis and Countermeasures of land disputes and mediation problem

1) Analysis of land disputes and mediation problem. The contents of land disputes according to the dispute are different, can be divided into three categories:

a) Land ownership dispute is caused by different subjects of the ownership of or boundary problems of land ownership or land use rights have objections to the dispute. b) Land disputes have been lawfully obtained land ownership or use right infringement, caused between the infringer and victim of the dispute. c) Land administrative dispute is caused by the dispute because of the relative person to make the land administration authority or the government land administrative punishment against a specific administrative act.

Study on regional land disputes belongs to the land ownership disputes, a total of 14 households in residential land ownership dispute, at the scene after the land and the village cadres under the mediation, after consultation between the parties, on the spot to solve the dispute. The remaining 1 households land dispute, only temporarily shelved, and no registration certification.

2) Countermeasures of land dispute mediation

a) Caused by the ownership boundaries is not clear and the ownership is unclear, the land ownership or right to the use of dispute, the parties based on the existing laws and regulations, regulations and relevant normative documents, etc. In line with respect history, face reality, from set out actually, two-way street, unity friendly, is conducive to social stability and the principle of land and resources management. It solves the dispute through friendly consultation, delimits the earthy land ownership boundaries, clear land ownership, sign the agreement "earthy land ownership boundaries.

b) Both sides cannot be solved through negotiation in accordance with the relevant provisions on the administration of law, land of people's Republic of China and the Ministry of land and resources after processing, clear land ownership.

c) To negotiate, in a short period of time the land ownership dispute, the investigation can shelve disputes. In order to ensure the calculation of land area is not does not drain, must negotiate or by the administrative department of land and resources being made a boundary, and signed the "land ownership boundary dispute reason book", and recorded a dispute, after processing. The line is only used for measuring the area of the future, not as a right, the demarcation of land ownership boundaries on the basis of.

Land disputes mediation is a difficult job, should make full use of the land department and the local influential village cadres and villagers' rights, dispute resolution and field on the spot signed and sealed after the back..

Conclusion

In practice of the study, suggestions about promoting and perfecting the rural land ownership management advice: first of all is to improve rural villagers' awareness and intensify propaganda. Let the farmers fully aware of the necessity of right to use rural housing land registration and the publicity of laws and regulations, The rural housing land registration provides the powerful legal protection. Second, due to the housing and land registration and certification are not synchronized, the circulation is between different members of the collective economic organization, not across the village, villagers across town to buy housing and so on .It cause registration difficulties. Therefore, the land registration shall implement the system; lastly, it is important to make housing administration and land administration policy of unified registration.

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