

Problems and Suggestions Concerning Village Land Confirmation, Registration, and Certification

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Abstract: Since the implementation of the household contract responsibility system in 1982, China has experienced the first land contract and the second land contract extension. To confirm the right of land contract and management, “the Land Administration Law of the People's Republic of China” requires the people's government at the county level to register and record the ownership with the contractor. Beginning in 2013, the No. 1 Central Document clearly stated that the work of land right confirmation, registration and issuance should be fully carried out in rural areas, but owing to the heavy-duty, equaling the situation was complex, the problems left over by history, eventually it is unavoidably that the contractor received the error information registration of the land title confirmation certificate in hand, the contractor may apply for administrative organs to correct solve, also can be resolved through litigation or arbitration, They can also seek ways of correction through letters and visits, reports and complaints, and the author put forward feasible suggestions on how to avoid mistakes.

Keywords: Land right confirmation and registration and certification; Rights confirmation certificate error; Correction approach; Suggestion

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1. Process and Importance of the Confirmation, Registration, and Certification of Rural Land Rights in China

Current rural land uses collective land ownership in our country, the implementation of household contract responsibility system since 1982, our country most of the place began to around 1983 in the first round of land contract, the contract time limit for 15 years, to 1998 across the country to enter the second round of land were generally, before and after the second round of land were mainly based on the land contract in the first round, the extension of the land contract for 30 years remains unchanged. For example, the second round of land contract extension in the village where the author lives is from July 1, 1995, to June 30, 2025. In 2008, the local government issued a certificate of rural land management right to the contracted farmers to confirm the land contract and management rights. However, due to the long backlog of land right confirmation and transfer

disputes in rural areas, such as inaccurate contracted land area, unclear four to four areas, unclear spatial location, incomplete registration books, land without a certificate, one household with multiple licenses, and other errors^[1], to solve such problems, since January 31, 2013, the Central Government issued “Several Opinions of the CPC Central Committee and the State Council on Accelerating the Development of Modern Agriculture and Further Enhancing the Vitality of Rural Development”, the document focused on “agriculture, rural areas and farmers” for the tenth consecutive year, clearly put forward overall rural land approval and registration agencies, requested to finish the work in five years. Now the majority of farmers have got the contract management authority certificate of approval, such as my hometown folks are to receive certificates of the right to the contracted management of land in 2016.

To put it simply, confirmation of land ownership is the confirmation and determination of land ownership, use right, and other rights within a particular scope in accordance with the provisions of laws and policies, which

is referred to as confirmation of land ownership. It is the confirmation of the source and nature of land ownership in the verification stage of land ownership in the process of land registration. For a particular scope of land or a particular land to determine the ownership, use of the subordination, and the content of his rights. In the process of confirming the rights, a series of registration procedures, such as land registration application, cadastral survey, ownership examination, registration and cataloging, and issuance of land certificates, are required before the land can be finally confirmed and determined^[2]. To get the land certificate of approval work that is very delicate, text pattern, lot size, and location using an aerial image Farmers achieve the accurate measurement, through land approval certificate that can clearly reflect the rights of the land ownership problems. Once the land approval certificate information registration errors, farmers demand for more is the program will be a struggle. In the large opening ceremony, President Xi Jinping said, rural land contracting policy unchanged for a long time, the second round of land contract expires after thirty years longer, according to the country's current rural land contracting policy, the contractor can get accurate information registration of land approval certificate is very important. On the one hand, so long time, long-term effective land approval certificate in the next few decades. On the other hand, once the land ownership is confirmed, it is equivalent to land on the account, farmers can feel reassured and planted "fang xin tian", future whatever land transfer, land rights of ownership is very clear, dispute problem can be solved accordingly, so it is very important to land approval certificate registration information correctly, it relates to the right to use and he a farmer in the future ownership, protection and rights protection problems, such as, once on the other hand, the farmers did not receive approval certificates to the land, or get to land approval certificate information registration error, can produce many new contradictions, the farmers' land circulation, there is no basis for rights without guarantee, so land approval certificates related to the survival of farmers, the party committees and governments at all levels should arouse sufficient attention.

2. Reasons and Main Circumstances for Errors in the Determination, Registration, and Certification of Rural Land Ownership in China

(1) The main reasons for the wrong information registration of the rural land ownership confirmation certificate

The work of land right confirmation, registration, and certification is a complex systematic project. Under the premise that land belongs to the state, farmers obtain the right to use the land through right confirmation. The work of land right confirmation involves many relevant laws and regulations, which are highly professional. After a series of steps and links, farmers can only get the land ownership confirmation certificate at the end. If the audit of any link is not strict, it is easy to make mistakes. In the end, there may be mistakes in the information registration of the land ownership confirmation certificate received, and farmers will want to apply for correction, which is a troublesome procedure. First of all, the main reason is that the government departments at all levels are not strict in the examination and verification. They do not fully understand the laws and policies related to the confirmation of rural land rights. Such as in the process of land approval, village and township levels cadre work made by carrying out the country's main task, for the "Rural Land Contract Law", "Land Administration Law", "Rural Land Management Rights Certificate Management Measures", and other relevant laws and regulations to be able to understand in place and comply with them, less to avoid making mistakes in the process of work or to make no mistake. Certified registered in the approval process, every peasant household data by the village committee was submitted to the Township Agricultural Economic Station and then to the county government, if each level is responsible for leading cadres of the work of land right verification materials can be carefully reviewed farmers, made in land approval certificate issued to farmers for correction before, can also be for farm households save many error correction of the trouble. Secondly, farmers are generally not familiar with the relevant laws and regulations, and policies, and their education level is low. Most of the rural left-behind farmers are older adults and children, and many young people have gone out to work. Many farmers even make mistakes in signing contracts and mainly rely on leading cadres to do propaganda and guide farmers to cooperate with them. Finally, the farmers' enthusiasm on the land approval work participation is not high. More problems have been left over by history. Land right verification accuracy is not high. The leading cadre to equaling job training does not reach the designated position. To farmers, propaganda is not enough. Peasants don't know to use the weapon of law rights, etc^[3]. These are also reasons for the error-prone land rights verification certificate information registration .

(2) The situation of incorrect information registra-

tion in the certificate of rural land ownership confirmation

I recently come into contact with a case of land approval certificate information registration error, the author of a family relative in the village committee team land approval work completed in the spring of 2016. Still, when the contract was signed in with the village committee, village committee printing error, the head of the household names of the contract, the former name, head of the household themselves don't even know the objection, I also signed a wrong name just like the one printed by the village committee. As a result, after the certificate of rights confirmation was received, there was no ID number behind the wrong name. There was a total of more than six acres of land on the book, of which more than four acres of land was still cultivated by other families in the group. As a result, it is impossible to resolve land transfer disputes through litigation or arbitration. Relatives of the head of the household itself is national public teachers, in 1995, two rounds of land were a job before, is the agricultural personnel, so on the basis of land contract and made relevant laws and rules, relatives of the head of the household are not eligible for approval in 2016, let alone do contracts manage door head of the household, because the disputes involving land circulation. After activist is very difficult, after several years of effort, the author help relatives through the reflection to the superior department, this year is expected to be able to correct errors in the land approval certificate, of course, this is just the author personally come into contact with a very special case, recently I also learned a lot of land approval certificate of registration error information, have a plenty of mistakes, this is mainly related to land circulation, such as Zhang San home for migrant workers before, land approval without timely return to participate in, the results of the house of Zhang San on behalf of the land for many years been Li Sijia cultivation, then Zhang San knew the atavistic, request will have been made to Li Sijia land approval for all his house, this kind of circumstance is the most common, Still have a plenty of after the land has been made due to the father or the mother died, his brother between requirements to undertake breaking up to a parent's land and to be made, farmers do not understand the legal policy, think parents of contracted land and other property also can inherit, inherit their parents' contracted land for segmentation between brothers and it was not a small number of people who made a lot of trouble because of this. Also, some land due to the actual area and planting area does not conform to, four to the field is not clear, block fault such as leakage, to correct the land approval

certificate information registration, approval certificate of family name registration errors, whether the illegal family of personnel, there are disputes involving land circulation, some change to each other between a few household villagers, land approval again later, And so on. If a group of villages and village committee find out clearly as possible to the problems left over by history, according to the second round of land were former land distribution, in fact, to measure the land, the house came and consistent approval certificate of registration, the approval certificate issued before they found the problem as soon as possible to solve the problem, can reduce the approval certificate information registration errors.

3. Way to Correct the Wrong Information Registration of Land Title Confirmation Certificate

(1) The peasant household applies for correction and settlement through the administrative organ

Land approval registration agencies involved department is more, there are agricultural department, finance department, the department of land and resources, integrated rural work department, legal department, file management, from the point of responsibility division, mainly by the township level, organize the implementation of land management rights counterpoising truly registration agencies work the key subject of counties and townships is two levels, so the land approval registration agencies to work is the responsibility of administrative organs, if farmers get to hand the land approval certificate information registration error, priority addressed by the administrative department, first by the head of a land approval certificate or apply to the village committee elected representatives, signed with family members submit application form to the village committee submit false land approval certificate and other materials, unite by the village committee will need correction of application materials submitted to the township government Agricultural Economic Station, among this township government Agricultural Economic Station arrange an opportunity to focus on correct every year, the township government will please the third party company to measure of surveying and mapping correction, after investigation to verify the township government will each village farmers need correction of data submitted to the county government, the new certificate is issued by the agricultural department, and the word "change" is marked on the certificate, and the "invalidated seal" is stamped on the original certificate. The original wrong certificate will be invalidated^[4]. From the process of issuing the certificate, the registration

and correction of the certificate of ownership confirmation need to go through several levels of departments, and it takes about half a year before the farmers can get the new certificate. Generally speaking, it is not difficult to correct through administrative procedures. Still, if there is a dispute on the land that needs to be affirmed, it is necessary to resolve the dispute and then confirm the right, and then issue the land right confirmation certificate.

(2) To settle the dispute through litigation or arbitration

Article 16 of the Land Administration Law stipulates that disputes over land ownership and use rights shall be resolved through consultation by the parties concerned. If consultation fails, the dispute shall be handled by the people's government. If the party concerned is not satisfied with the decision of the relevant people's government, he may, within 30 days of receiving the notification of the decision, bring a suit before a people's court. There is a clear statement on the format of the rural land contract: In case of any dispute arising out of the execution of this contract, the village or town may apply for mediation or file a lawsuit with the people's court. The certificate of the land contract and management right clearly states: for land disputes, they can apply for arbitration or file a lawsuit to the court. Therefore, if there is an error in the information registration in the land ownership confirmation certificate, if there is a dispute in the land ownership confirmation and transfer, and the village committee and township government are lazy in exercising their functions and powers and do nothing, farmers can choose arbitration or prosecution. Although it is time-consuming and labor-consuming, the effective judgment made by the court or the effective award made by the arbitration tribunal has the force of enforcement. Farmers can apply for compulsory execution by the court. Judicial guarantee is the last line of defense for civil rights protections, and farmers should also get used to solving land disputes through judicial means.

(3) To solve the problem through letters and visits, reports, complaints, etc.

If some farmers in the approval certificate of registration information error, cannot solve through the way of the foregoing, such as the village committee and the township government inaction, not solve the contradictions and disputes and correcting errors, and cannot be resolved through litigation or arbitration, can consider reflecting the problem to the complaint department of the government at all levels, the complaint reporting regulations stipulated in article 2, Complaint reporting refers

to the activities in which citizens, legal persons or other organizations, by letter, e-mail, fax, telephone or personal appearance, report situations to the people's governments at various levels or the working departments of the people's governments at or above the county level, put forward suggestions, opinions or complaints and requests, which shall be handled by the relevant administrative authorities according to law. The township government has set up a letter and visit office, and the county government has set up a special letter and visit bureau, write their own complaint materials, or use other forms such as telephone, from the lower level to the higher step by step, in line with the principle of "apanage management, hierarchical responsibility, who is in charge, who is responsible for", so the visit shall not cross levels. If the complainant is not satisfied with the written decision of the administrative procedure made by the administrative organ, he may apply to the administrative organ at the next higher level for administrative reconsideration within 60 days. He may also bring a suit in a people's court within six months. If he is not satisfied with the administrative reconsideration, he may also apply to the administrative organ at the next higher level for a review.

4. Suggestions

First of all, the leading cadres at all levels in charge of land ownership confirmation should understand the relevant laws, regulations, and policies in place and be able to apply them accurately. The main laws and regulations in the work of determining, registering, and certifying rural land contracts are as follows: "the property law", "the rural land contract law", "the right to the contracted management of rural land circulation management method", "the right to the contracted management of rural land dispute mediation-arbitration law" and so on, the policy basis is very much also, six departments such as 2015, the ministry of agriculture on the do right to the contracted management of rural land approval and registration agencies work opinion". Land, in the second round turn period, equaling registration certified general principle is "people don't toughen, reduced people not cut", to achieve "a constant not register, two unchanged, three forbidden" ^[5], leading cadres at all levels to study relevant laws, regulations and policies, and correctly apply to make fewer mistakes in the work, and make no mistake.

Secondly, farmers should fulfill their duty of care when signing the land contract and filling in the confirmation certificate materials

Many materials are in the land approval registration

agencies work need signature and farmers to participate in the review, such as farmers and the village committee of the party to sign the contract, usually signed by the head of a contractor or elected representatives or fingerprints to submit certified material, require a signature when to exercise the reasonable duty of care, can't sign a wrong name, to sign the name used on the citizen's ID card, once the wrong sign will affect the validity of the land title certificate. In addition, the head of the household land contract operation card or represented in the signature or fingerprint, fill-in material, identify plot, the second round of the public, cooperate in submitting certified materials carefully during audit checks, if found there are errors is put forward in time, apply for correction, find mistakes, correct mistakes as soon as possible, to avoid getting the wrong card then apply for correction to undergo more complex programs. First, the land contractor must submit a change application form. The form needs to be signed and stamped by the village committee. All members of the family need to sign and agree. At the same time, the wrong land ownership certificate should be submitted, and the village committee will submit the change materials to the agricultural economic station of the township government, this step it also requires the signature and seal of the manager of the township government, and then the township government submit it to the county government's agricultural committee for review and approval. The entire process takes about several months. Finally, the land contractor can obtain the new land for confirmation certificate of authority.

Thirdly, the leading cadres who are responsible for the work of power affirmation should be familiar with the work process of power affirmation and consult the relevant departments at higher levels when they encounter problems.

Because the land approval registration agencies work bears on the immediate interests of the masses of farmers, it is stable and unchanged for a long time to carry out the land contract relations important prerequisite and basic basis, thus leading cadres at all levels of land approval work to cause enough attention, comprehensively strengthen organization and leadership, in 2021 to

complete the land approval registration "look back", If it is found that there are problems left over from the confirmation of right or that there are errors in the information registration of the confirmation of right certificate, it is necessary to solve the problems of the implementation of the confirmation of right and the correction of the error of the confirmation of the right certificate as soon as possible. At present, we should actively complete the finishing work of land ownership confirmation. In addition to being familiar with the process and professionalism of land ownership confirmation, we should consult the relevant departments of higher authorities when we encounter legal and policy problems. Some common problems, such as how to identify the owner of the certificate of land ownership confirmation? Can the right holder authorize others to sign on behalf of him^[6]. How to identify in principle the joint family member. There are various problems encountered in the actual work of confirming, registering, and certifying rights. If the relevant departments at higher levels cannot reply and solve them in time, they can also consult legal experts, scholars, and government legal advisers. In short, the problems should be solved reasonably and legally in the end.

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