

Inspection and Exploration of Rural Women's Land Rights and Interests Protection Dilemma

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Abstract: In the civil code, women as a member of the rural collective economic organization, enjoy legal rights and interests of land, in the right to the contracted management of land, land and land use, village collective land income distribution, demolition and land compensation, share dividends, membership should not be deprived, should safeguard equal rights and interests of female collective members. From the perspective of right standard, this paper discusses the current situation of rural women's land rights and interests through the rule of law thinking and way, and how to improve laws and regulations and strengthen public relief, and puts forward countermeasures and suggestions in order to promote gender equality and protect the development right of rural women in China.

Keywords: Rural women; Land rights and interests; Village rules and regulations; Gender equality

Rural women is an important participant in the rural economy and the pillar of family life, in the land contract, there is obvious inequality between men and women, rural women's land rights received widely attention, protect rural women land rights, to eliminate rural women poverty, promote rural gender equality and women development, and women equal access to land resources, enjoy the land rights, has important practical significance. Based on the social background of the "separation of the three rights" of rural land and the vigorous development of land management rights transfer, this paper takes rural women as the main research object, analyzes the possible damage problems of women's land rights and interests in the traditional context, and puts forward suggestions on improving the protection mechanism of land rights and interests.

1. Analysis of the types of land rights invaded

From cannot enjoy the contracted management of land to be deprived of the fair position in the allocation of land resources, rural women face land rights problems involving multiple aspects, threatening their economic independence and social status, the author after relevant case retrieval of Chinese written judgment network and sorting, summed up the Chinese rural women land rights infringement specific types are as follows:

1.1 The standard of membership identification is biased

Unmarried women may be neglected or deprived of rights in land distribution because of "marriage measurement" and other reasons. Some places even stipulate that unmarried women who reach a certain age should recover their land even if they are not married. Married women may also be identified as non-members of collective economic organizations because of marriage, divorce, widowed and other circumstances, losing the ownership of their own or family land. In these cases, their land interests may be transferred to others, such as husbands, male family members, or local powers.

1.2 Loss of rights and interests due to changes in household registration

Rural women may face the loss of land rights and interests when their household registration changes due to marriage, work and other reasons. For example, "married women" often lose the right to contract land in their original domicile place after marriage, because some places implement the policy of "increasing people, reducing people without reducing land", which leads them to get the same land distribution in their new residence. In the process of land transfer or adjustment, "married women" may be disqualified from land contract, or allocated to poor quality land. After some rural women marry to another village, the land in the original registered place is recovered, but they fail to obtain new land contract rights in the new village for various reasons^[1].

1.3 Limited land use right and value-added usufruct right

When the land increases, such as the land is expropriated, leased or generated share dividends, rural women may not be able to enjoy the benefits due to marriage status, household registration and other reasons. Even if women have land ownership or partial interest, their land use rights may still be restricted^[2]. For example, they may not be able to decide how the land is planted, leased, or sold, and are subject to intervention or control by male members or local authorities.

2. Rural women's land rights are being invaded

2.1 The origin of the infringement of rights and interests

Rural women's land rights infringement origin can be traced back to many aspects, social and cultural factors in women's land rights infringement played a key role, in some rural areas, men are regarded as the main economic pillar of the family and the successor of the land, and women tend to be marginalized, this thinking mode led to the social unequal treatment for women in land inheritance and ownership. In particular, traditional concepts and social customs have a great negative impact on rural women's land rights and interests. The concept of patriarchal society is deeply rooted in many places, and men are regarded as the main holders and decision makers of land ownership. This concept directly leads to the relatively weak position of women in land rights and interests. Family and blood relationship are dominant in inheritance, and land is often regarded as family property, so the inheritance mode may exclude women, or impose restrictions on^[3] when women inherit land rights. Finally, the marriage system also affected women's land rights and interests, marriage is likely to cause women to lose the rights and interests of their or family land, especially in the case of divorce or spouse, women are more likely to be in the role of indifference processing, these factors constitute the female land rights and interests of complex social background^[4].

2.2 The practical dilemma of the protection of rural women's rights and interests

The protection of women's rights in rural China faces many practical difficulties, Despite continuous policy improvements in recent years, However, influenced by traditional cultural concepts and institutional barriers, Rural women are still in a relatively weak position in land rights, economic status and social status, Traditional social and cultural concepts still restrict the protection of rural women's rights and interests, Deep roots in the superiority of men over women in rural areas, Women are marginalized, Limited in its status and rights, In the allocation of rural social resources, Men tend to preferentially receive resource support, While rural women are in a disadvantaged position, The unfair distribution of social resources makes them face greater difficulties in protecting their rights and interests^[5]. Despite the protection of women's rights law of the People's Republic of China, the rural land contract law of the People's Republic of China and other relevant laws and regulations to protect the rights and interests of rural women, but in the implementation of practical problems, part of the local government and institutions of laws and regulations is not enough, lead to rural women's rights and interests can not effectively safeguard^[6].

3. Explore the way out of land rights and interests in rural China

In order to effectively solve this problem, we must start from the perspectives of law, education, system and relief. Protecting the land rights and interests of rural women is not only the key to realizing gender equality, but also an important basis for promoting the development of rural social and economic areas. By strengthening the enforcement of laws and regulations, changing ideology, improving systems and strengthening legal aid, we will protect the land rights and interests of Chinese rural women and promote the harmonious and stable development of rural areas.

3.1 Strengthen the enforcement and supervision mechanism of laws and regulations

Although China has formulated a series of laws and regulations to protect rural women's land rights and interests, these regulations often face difficulties and obstacles in their practical implementation. Local governments and relevant departments need to strengthen supervision over the enforcement of laws and regulations to ensure that the laws are effectively implemented. Establish and improve the supervision mechanism, timely find and correct the violations of women's land rights and interests. Through regular inspection and special action, crack down on illegal activities, protect women's land rights and interests from infringement .

3.2 Publicity and education and ideological change

Traditional ideas and gender discrimination are one of the fundamental reasons for infringing on rural women's land rights and interests. Therefore, propaganda and education work is crucial. Extensive publicity and education should be carried out through various channels to improve rural women's legal awareness and awareness of rights. At the same time, community education should be carried out to change the deep-rooted concept of gender discrimination, promote the change of public opinion, and make the concept of equality between men and women deeply rooted in people's hearts. Use the power of school education, media publicity

and grassroots organizations to gradually change gender attitudes in rural areas.

3.3 Improve the land transfer and transfer system

The current land transfer and transfer system is still insufficient in protecting the land rights and interests of rural women. Relevant systems need to be further improved to ensure that women enjoy equal rights in the process of land transfer and transfer. Through system design and policy adjustment, women can participate in fair land transactions and avoid rights and interests caused by loopholes in the system. Especially in the context of marriage, divorce and widowed, to ensure that women's land rights and interests are protected by law.

3.4 Strengthen the public force relief and legal aid mechanism

When women's land rights and interests are infringed upon, the timely and effective relief and assistance mechanism is the last line of defense to protect their rights and interests. Public relief channels should be strengthened to ensure that women can easily and quickly seek legal help. We have established a sound legal aid mechanism, and provide free legal advice and assistance services to help women solve land disputes. We will strengthen the capacity building of community-level judicial institutions, improve the efficiency and fairness of handling cases involving women's land rights and interests, and ensure that women's legitimate rights and interests are fully protected.

References:

- [1] Li Fengzhang. From the protection of women's land rights and interests from the extrusion game [J]. Women's Studies Series, 2005 (06): 7-11.
- [2] Li Yong. Standard analysis and improvement of the public interest litigation system for the protection of women's rights and interests [J]. Journal of China University of Political Science and Law, 2024 (02): 251-264.
- [3] Qiu Ye. Regional differences and reform logic of land system practice in China [J]. Quest, 2023 (04): 137-145.
- [4] Ren Dapeng, Liu Yan. Research on the rights protection of rural Women based on collective membership [J]. Women's Studies, 2023 (01): 22-30.
- [5] Dong Xin, Wang Xiaoying. Weak security and strong influence: rural land rights and interests and the migration of female agricultural migrants [J]. Land Science of China, 2020 (06): 48-56.
- [6] Min Jie, Wang Qian, Sun Jingqi. Land rights and interests of rural women in Heilongjiang province under the background of rural revitalization —— is based on social gender perspective [J]. Journal of Shandong Women's University, 2020 (03): 26-31.

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