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# Peasants' Awareness of Land Property Rights

—A Case Study of Dalu Town, Bishan County, Chongqing

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**Abstract** Taking Dalu Town, Bishan County, Chongqing as an example, general characteristics of peasants' awareness of land property rights, as well as its differences at different ages, education degree and income level are discussed, according to the questionnaire survey on peasants' awareness of land property rights in 14 villages. Four suggestions are put forward to improve the property right system, such as adhering to the reform direction of collective ownership, defining the owner of the collective, giving the complete ownership power to the owner, and ensuring the usufructuary right of land for peasants. Result shows that the understanding of land ownership is obscure and the tendency of land privatization is insignificant. Nearly 2/3 peasants think that rural land belongs to the collective. And the right of land disposition is unclear. For instance, the village committee or village collective usually disposes the land belonging to the community, which is an act in excess of authority. There are differences in the recognition of property among different groups. Peasant households with different ages, education degrees and income levels have unclear understandings of land ownership and the tendency of land privatization is insignificant. There are also certain differences in the recognition of land disposition right among groups. Peasant households with different ages, education degrees and income levels have unclear understandings of land disposition right and land disposition in excess of authority usually happens.

**Key words** Awareness, Peasant, Investigation, Land property right, China

As the owners and users of rural collective lands, the peasants are in the core position in the interests of rural land property rights. To study the land property rights from the perspective of the peasants helps understand the relationship between the farmers and lands and its role in the operation of land property system. Based on the questionnaire survey of the farmers in the Dalu Town, Bishan County, Chongqing, the peasants' awareness of land property rights are discussed so as to further understand the operation conditions, current situations and reform direction on the basis of previous study and lay the foundation of building a rural land property rights system benefiting the peasants.

## 1 Literature review

Since the reform and opening up, most academic research on the land system and its reform are conducted from the standpoint of the state, government and policy rather than the peasants and rural areas<sup>[1]</sup>, and the specific studies related to the peasants' awareness of land property rights are even much less. After the on-the-spot PRA (participatory rural appraisal) investigation on the 54 households of 12 townships in the two counties of Anhui and Shandong provinces, Roy Prosterman finds that the farmers have an obscure understanding of land ownership, 83% of rural households are in favor of permanent land use rights, 45% are for the transaction of the rights and

69% approve the short-term transfer of the land use rights<sup>[2]</sup>. In the on-the-spot investigation of 9 villages in 3 counties in Zhejiang, Hubei and Chongqing provinces, Mei donghai finds that the farmers have unclear knowledge of land ownership attribution and no tendency of land privation, but they do have strong demand on the land rights<sup>[3]</sup>.

## 2 An overview of the research area, data collection and research method

**2.1 An overview of the research area** Located in northern Bishan county, Chongqing city, Dalu town is in 109°09'22"–109°18'14"E and 29°40'02"–29°47'27"N, 26 km east to the downtown Chongqing. Dalu town has 14 villages, 3 communities and 109 cooperatives, covering an area of 11 592.92 hm<sup>2</sup>, 10 045.58 hm<sup>2</sup> are used for agriculture, of which 4 663.78 hm<sup>2</sup> are arable lands, 1 268.63 hm<sup>2</sup> construction land and 278.71 hm<sup>2</sup> lands are unutilized. In 2007 the whole town has a total of 21 882 households with a registered population of 61 623, of which 54 803 agricultural population and 13 500 are migrant workers, the net income of the farmers is 4 567 yuan.

**2.2 Data collection** During July to September, 2008, 1 300 questionnaires were distributed to investigate the peasants' awareness of land property rights in 14 villages of Dalu town, 902 valid questionnaires were received back, the sample distribution is shown in table 1. The questionnaires aim at finding out the peasants' awareness of land ownership and land disposition. The investigation result is shown in Table 2.

**2.3 Research method** The sociological questionnaires are used to collect the peasants' awareness of land property, the questionnaires take the multiple-choice form and the farmers choose the items according to their own wills.

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**Table 1 Specimen distribution in Dalu town**

Names of villages	Number of specimen	Names of villages	Number of specimen
Dagou Village	40	Longquan Village	60
Datong Village	83	Sandan Village	66
Dazhu Village	30	Sanjiang Village	31
Fuli Village	76	Santai Village	20
Gaogong Village	63	Siwei Village	63
Guojia Village	77	Tuanba Village	89
Hongshi Community	13	Xinfang Village	68
Jielong Community	20	Yanghe Village	71
Liuhe Community	32	Total	902

**Table 2 Investigation results in Dalu town**

Right ownership options	Frequency	Proportion %	
Attribution of collective land ownership	Community	397	44.01
	Village Collective	136	15.08
	Township collective	32	3.55
	Country	303	33.59
	Personal	30	3.33
Attribution of land ownership	Indifferent	4	0.44
	Community	304	33.70
	Village collective	120	13.30
	Hamlet committee	135	14.97
	Town government	56	6.21
	County government	22	2.44
	country	230	25.50
personal	35	3.88	

### 3 The status quo analysis of the peasants' awareness of land property rights

#### 3.1 The analysis of overall status quo

**3.1.1** The understanding of land ownership is obscure and the tendency of land privation is insignificant. As the *Constitution of the People's Republic of China* prescribes, rural and suburban lands, apart from those owned by the state, belongs to the collective. Although the Constitution clearly defines that rural lands belong to the peasant collectives, the investigation shows that the farmers have an obscure understanding of land ownership. As shown in Table 3, the farmers believed that the proportion of lands owned by the state, the collective and the personal are respectively 33.59%, 62.64% and 3.33%, which proves the peasants' obscure understanding of land ownership; the farmers not only recognize that the rural lands are collectively owned, but also have perceptual distinctions of community (44.01%), village collective (15.08%) and town collective (3.55%). The peasants' obscure knowledge of land ownership leads to the different tendencies in understanding it, including nationalization tendency, collective tendency and privatization tendency. The peasants have insignificant tendency of land privation, and those who think that the lands are privately owned only account for the sample's 3.33%, nearly 2/3 farmers believe that rural lands are owned by the collective, all these show that the concept of the collective ownership of rural lands has been deeply rooted in people's mind and the tendency of land privation is unobvious. The nationalization tendency accounts for 33.59%, which reflects the impact of the national requisition of rural collective lands on the peasants' perception

of land ownership. As the government could arbitrarily and forcefully expropriate the rural collective lands and the farmers have no rights and channels to express their reasonable wills, some farmers tend to agree with idea that the lands are state-owned.

**Table 3 Land property rights awareness of peasants in Dalu town**

Items	Frequency	Proportion // %
Community	397	44.01
Village collective	136	15.08
Town collective	32	3.55
Country	303	33.59
Personal	30	3.33
Indifferent	4	0.44
Total	902	100.00

**3.1.2** The right of land disposition is unclear, land disposition in excess of authority usually happens. The land disposition right is the core function of land ownership<sup>[4]</sup>. According to the investigation, the farmers believe that land disposition right belongs to the community, village collective, hamlet committee, town government, county government, country and personal, which shows that the farmers have a confused knowledge of land disposition right. It is investigated that most of the land disposition are conducted by the state, community and even the hamlet committee rather than by the community. As shown in Table 4, 14.97% of the peasants believe that the land disposition right is owned by hamlet committee because the hamlet committee exercise the factual disposition of rural lands during the practical implementation of various land policies; 25.50% deem that the land disposition right is performed by the state, land expropriation is the most powerful performance of the national authority and the final land disposition right, and as the passive recipients in land expropriation, the peasants can't express their wills; 13.30% think that, the village collective's disposition of lands reflects that the lands which should be disposed by the community are disposed by the village collective instead, the hamlet committee's land disposition reflects several village cadres' unauthorized and ultra vires disposition of the collective lands. Thus, there is an obvious ultra vires disposition of the collective lands by the hamlet committee or the village collective, and there may be a violation of the collective land rights from the higher authority.

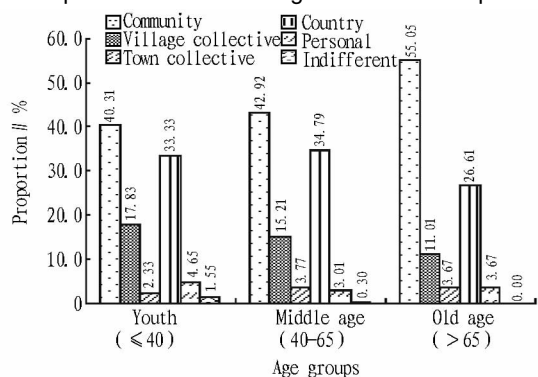
**Table 4 Land handling rights awareness of peasants in Dalu town**

Items	Frequency	Proportion // %
Community	304	33.70
Village collective	120	13.30
Hamlet committee	135	14.97
Town government	56	6.21
County government	22	2.44
Country	230	25.50
Personal	35	3.88
Total	902	100.00

**3.2 The analysis of the differences in peasants' awareness of land property right** Although the samples show that

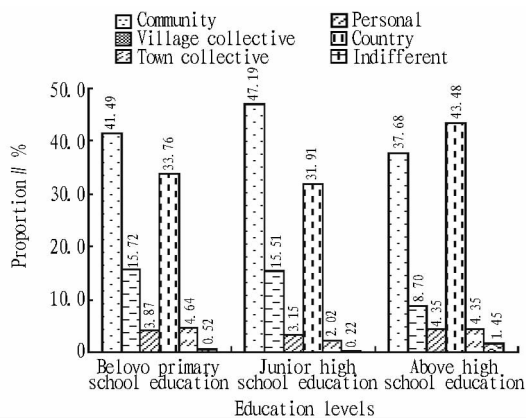
the peasants' awareness of land property right presents some common features, peasants of different age groups, with different educations and different incomes still have different awareness of land property rights.

**3.2.1** Different groups have different awareness of land property right. As shown from Fig. 1 to Fig.3, peasants with different ages, education degrees and income levels have unclear understanding of land ownership and the tendency of land privatization is insignificant, which is in accordance with the overall features of the samples, but different groups still have some differences. With their increasing ages and income, the percentage of the farmers who recognize the collective-ownership of lands increases. The proportion of the young, the middle-aged and the old who believe that the land is owned by the collective are respectively 40.31%, 42.92% and 55.05%, the proportion of the peasants with an average income below 3 000 yuan, between 3 000 –6 000 yuan and above 6 000 yuan hold that the land is owned by the collective are respectively 42.51%, 44.21% and 47.50%, peasants with junior high school education who recognize the collective-ownership of lands are obviously more than that with primary school education and high school education. There is convergence in peasants' awareness of land property rights among the young and the middle-aged group, the group with education below primary school level and the group with junior high school education, there is only 2%'s differences between the peasants who think that the lands belong to the community and those who attribute the lands' ownership to the village collective, but the old-age group and the other two groups are significantly different from the above-mentioned groups, especially 15% more of them think that the lands belong to the collective than the young group does; the old age group were in their middle ages during the implementation of rural household responsibility system, so they have profound understanding of land ownership.

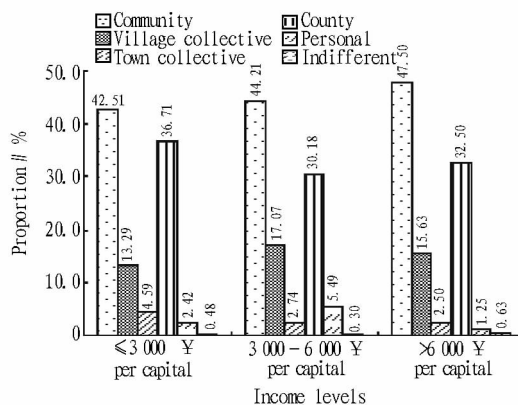


**Fig. 1** Land property rights awareness of different age groups

**3.2.2** Different groups have different understandings of land disposition right. As shown from Fig. 4 to Fig. 6, peasant households with different ages, education degrees and income levels have unclear understandings of land disposition right and land disposition in excess of authority usually happens, which have higher resemblance with the overall features of the samples, but there is still certain differences in different groups. As the peasants grow older, the proportions of them who correctly



**Fig. 2** Land property rights awareness of different education levels



**Fig. 3** Land ownership willingness of different income levels

recognize the community's land disposition right increase. The proportion of the young, the middle-aged and the old who believe that the community has the land disposition right are respectively 28.68%, 32.83% and 44.95%; the proportion of the peasants with junior high school education who believe that the community owns the land disposition rights is higher than that of the peasants with an education below primary school and obviously higher than that of the peasants with senior high school education; peasants with different income levels show similar perception in the attribution of land disposition rights, there is only 2%'s differences between the peasants who think that the land disposition rights belong to the community and those who attribute the land disposition right to the state government. Therefore, the peasants with different income levels have no big differences in their understanding of land disposition rights, but there are relatively significant differences among the peasants with different ages and different education levels, moreover, the peasants with primary education and junior high school education have similar understanding of land disposition rights, so do the peasants with different incomes.

## 4 The suggestions in improving the property right system

**4.1 adhering to the reform direction of collective ownership** During the academic research on the rural land reform,

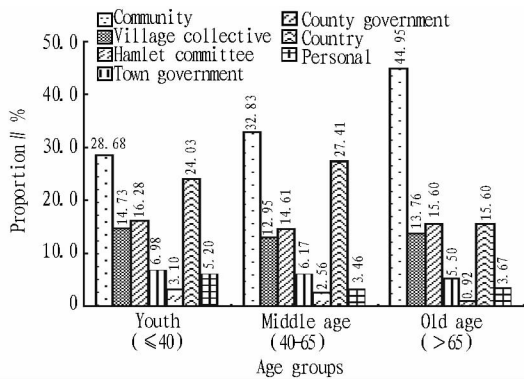


Fig. 4 Land handling rights awareness of different age groups

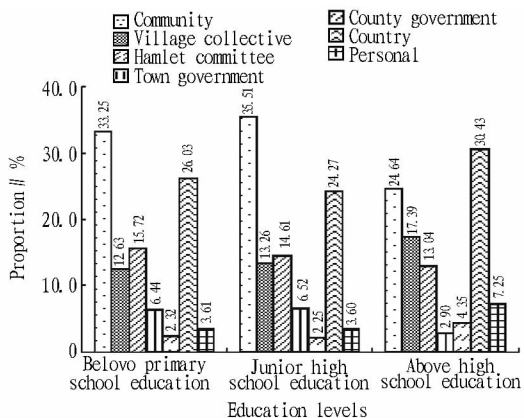


Fig. 5 Land handling rights awareness of different education levels

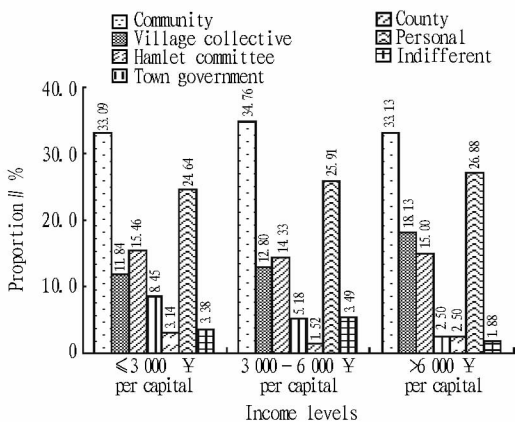


Fig. 6 Land handling rights awareness of different income levels

five reform programs, including the nationalization, privatization, mixed ownership, the improvement of the rights to use and the reconstruction of the ownership, are gradually taking its shape<sup>[5]</sup>. As the prescriptive norms in the Constitution, the public ownership of lands is the foundation of our socialist economic system. The investigation shows that most peasants agree with the public ownership of lands and the collective ownership of rural lands. Therefore, the reform of rural land property right system should adhere to the public ownership of lands and continue to maintain the collective ownership of rural lands.

Only by complying with the general peasants' will can rural land property right system be effectively taken into effect and the peasants' initiatives to use and protect the rural lands be fully mobilized.

**4.2 Defining the owner of the collective** The investigation shows that the farmers have unclear understanding of the collective ownership, the peasants who are indifferent to rural land property rights account for a lower proportion. The unclear ownership of property rights leads to the vacuum of the rights, as a result, some power owners can exercise the rights of the ownership. Only by clearly defining the owners of the rural lands can the peasants' rights be free from infringement. Most of the rural lands in the investigation areas belong to the community, few of them are owned by the village collective, and the least are possessed by the town collective. With respect to the fait accompli formed in history, the rural land owners should be the collective members within certain ranges (community, village and town), the members have the right to use and derive profits from the collective-owned lands instead of the right to request share split<sup>[4]</sup>. As the younger the peasants are and the less income the peasants have, the lower the proportion of them who have a correct understanding of the rural land ownership, which show that the young people less dependent on the lands and the peasants with lower income hope to engage in other industries which generate higher profits than agriculture does, the peasants' exit mechanism from collective should be established so as to encourage the young person and parts of the peasants transfer to other non-agricultural industry.

**4.3 Giving the complete ownership power to the owner** The powers and functions of ownership cover the rights to possess, use, derive profits from and dispose the land ownership. The views on the ownership of power are not totally consistent in theory, but the above-mentioned four rights receive unanimously approval from the scholars<sup>[6]</sup>. At present, the collective's rights to possess, use and derive profits from rural lands are all fully exercised, but the disposition right is always unclear. Therefore, the disposition right should be given to the owners in consistency with the law. The state requisition of lands must be strictly limited to the public interest, the land use in developing large number of commercial housing should be solved within the framework of market economy through the negotiation between the land users and land owners.

**4.4 Ensuring the usufructuary right of land for peasants** Usufructuary right is the legal right to possess, use and benefit from the real estate and movable property that belong to another person<sup>[6]</sup>. To protect the farmers' land usufruct is to protect their rights to possess, use and derive profit from the collective-owned lands. As shown in the investigation, to ensure the farmers' land usufruct should prevent the village cadres' illegal deprivation of the contracted management rights (right to use) and the state government from randomly expropriating the peasants' lands. The effective way to prevent the village cadres from depriving the peasants of their contracted management rights (right to use) is to provide legal protection of the contract and strictly execute the *Supreme Court's Interpretation of Law Application of Hearing Dispute Cases Concerning Rural Land Contract* so as to ensure the farmers an unimpeded channel to sue to

the laws when their rights to contract the lands are violated.

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## 农户土地产权意愿研究——以重庆市璧山县大路镇为例

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**摘要** 以重庆市璧山县大路镇为例, 采用问卷调查法, 对大路镇 14 个村 3 个社区农户土地产权意愿的总体特点及不同年龄、文化程度、收入水平存在的差异进行探讨, 提出了坚持集体所有的改革方向、明确集体所有者、赋予所有者完整的所有权权能、保障农户对土地的用益物权 4 个完善产权制度的建议。结果表明, 土地所有权认识模糊, 土地私有化倾向不明显, 近 2/3 的农户认为农村土地集体所有; 土地处分权认识混乱, 越权处置土地现象明显, 土地的处分权大多数由国家、村集体乃至村委会行使, 村委会或者村集体对属于社集体的土地越权处置现象比较明显; 不同群体间对所有权认识存在一定差异, 不同年龄段、不同文化程度、不同收入水平的农户均呈现对土地所有权认识模糊, 土地私有化倾向不明显; 不同群体对土地处分权认识存在一定的差异, 不同年龄段、不同文化程度、不同收入水平的农户均呈现对土地处分权认识混乱、越权处置土地的特征。

**关键词** 意愿; 农户; 调查; 土地产权

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## 河南省耕地承载力研究

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**摘要** 依据 1998~2008 年《河南省统计年鉴》, 采用灰色预测模型及时间序列模型对河南省耕地承载力进行了预测, 针对现有耕地难以承载不断增长的人口及其粮食安全的问题, 提出了严格实施土地利用规划, 提高农民自觉保护农地的意识, 建立行之有效的耕地保护机制, 促进土地节约集约利用, 积极开展土地整理工作, 加大执法力度, 提高耕地利用效率七大保护耕地的措施。结果表明, 虽然河南省人口自然增长率在逐渐降低, 增长的趋势已渐渐放缓, 但是由于基数较大, 人口于 2010 年将突破 10 000 万, 人口压力依然较大; 2010~2025 年河南省粮食单位面积产量程平稳增长趋势, 平均每年增长 10.27%; 河南现有耕地资源仅能承载温饱水平下的人口数量和人民的日常生活, 随着人口的不断增长, 耕地资源紧缺的问题将会日益突显, 最终将阻碍河南经济的发展和人民生活水平的提高。

**关键词** 耕地承载力; 灰色预测; 耕地保护; 灰色预测模型