

# The Current Situation of Land Supervision in China and the Approach to Its Perfection

SHEN Jing<sup>[a],\*</sup>

<sup>[a]</sup>Lecture, College of Political Science and Law, Hebei University, Baoding, China.  
Corresponding author.

Received 24 March 2015; accepted 17 May 2015  
Published online 26 June 2015

## Abstract

Effective land supervision could reduce social contradictions and conflicts caused by the land issue and could also guarantee the reasonable and efficient utilization of land resources. Against the background of integrated urban-rural construction land market, the necessity of land supervision in our country is self-evident. This paper proposes the approaches to its improvement from the perspective of perfecting the system of related laws and regulations, strengthening the supervision capability and broadening the channels for the public to participate in.

**Key words:** Land supervision; Land inspection; Law enforcement; Public participation; Perfection

Shen, J. (2015). The Current Situation of Land Supervision in China and the Approach to Its Perfection. *Studies in Sociology of Science*, 6(3), 67-72. Available from: URL: <http://www.cscanada.net/index.php/sss/article/view/7095>  
DOI: <http://dx.doi.org/10.3968/7095>

## INTRODUCTION

Land is the important guarantee of human's survival and development. In order to strengthen the land management and utilization, China has established the "value land highly, utilize the land reasonably and protect the cultivated land effectively" as the basic state policy. At present, problems like failure to abide by the law and laxity in law enforcement still exist in the land utilization and management. Various cases related to violation of

the land laws occur despite the repeated prohibitions. Strengthening land supervision, conferring necessary law enforcement power of the supervision departments and the effective means of enforcing the law are the important approaches to solving the problems of law enforcement and realizing the reasonable utilization of land.

## 1. THE CURRENT SITUATION OF THE LAND SUPERVISION IN CHINA AND PROBLEMS

### 1.1 Imperfect System of Laws, Rules and Regulations

Legislation is the premise and basis of law enforcement. Land supervision relies on the perfect laws, rules and regulations for support. The power extent and power boundary of land supervision is defined by the related laws and regulations. Without complete laws, rules and regulations as the basis, land supervision will be like water without a source. Scientific and complete legal system will provide law enforcement foundations and judgment criteria for land supervision, which has multiple functions including the guiding and educating qualities.

The legal system of land supervision in our country mainly includes the *Constitution*, *Land Management Law*, *Provisional Decisions on Land Supervision*, *Methods of Investigation and Treatment of Cases Against the Land Law*, and *Decisions by the State Council on Deepening the Reform and Intensifying the Land Management*. Besides, land inspection is the important way of conducting the land supervision. In 2006, the establishment of the land inspection system marked the basic formation of the relatively complete land supervision network in our country. Various regions began to take measures in succession to strengthen the land supervision. *Punishment Methods for the Illegal Acts Against the Regulations on Land Management* stipulates the responsibilities of the

related units and their staff to prevent the abuse of power. Regulatory documents like *Specifications on the Work of Law Enforcement, Supervision and Inspection of the Land and Resources(Trial Implementation)* make regulations on the inspection from the perspective of the system to enhance the efficiency of law enforcement and realize the “early discovery, early prevention and early treatment” of the illegal acts of land and resources. All in all, the laws, regulations and rules related to the land supervision are numerous, but there has been a lack of specialized, pertinent and operable laws and regulations.

## 1.2 The Difficult Problem of the Supervision and Inspection of the Land Laws Enforcement

Supervision and inspection of the land laws enforcement refers to the activity that the land administrative organs, according to the law, conduct the supervision and inspection of entities’ and individuals enforcement and observance of the land laws and regulations in the country and also impose legal sanctions on the land law breakers. Supervision and inspection of land law enforcement has tripartite natures of land laws enforcement, land supervision and administrative supervision and inspection, which is the important means to guarantee the implementation of various laws and regulations of land management and also the important way of maintaining the land management and land market order, as well as promoting the sustainable utilization of land resources. Supervision and inspection of the land law enforcement are the core of the land supervision system. At the central level, the Chief Supervisor of State Land leads nine bureaus of state land supervision to conduct supervision and inspection of the land law enforcement in the whole country. At the local level, land management departments at different levels in various provinces have established bureaus of land law enforcement supervision and supervision brigades of the land law enforcement to be in charge of the supervision and inspection of the implementation of laws and regulations on land resources and mineral resources. Seeing from the vertical direction, the supervision network systems at four levels in provinces, cities, counties and villages are being perfected constantly. The grass-roots institution of state land resources put up the sign of state land resources supervision detachment of law enforcement. Messengers in villages have realized the full coverage in the village and the supervision system of land law enforcement has taken shape. However, five difficult problems exist in the supervision of land law enforcement: difficulty in identification, difficulty in determining the nature, difficulty in prevention, difficulty in the handling, and difficulty in implementation.

Land supervision is a complex and difficult project, and it is hard to complete the supervision task merely depending on the land departments. Our country has mentioned the linked cooperation of various departments

in documents many times, but the actual operation effects are not satisfying. In the actual operation of the executive power, due to the fragmented and segmentary system, each department usually performs its own functions, and there has been a lack of linked dynamic mechanism and long-acting mechanism; as for the grass-roots governments, land supervision is often to the disadvantage of the economic development and the increase of tax revenue. Between work achievements and land supervision, grass-roots governments usually tend to choose neglect of the supervision.

What is more, the strength of the land supervision team is weak. Reasonable establishment of the institutions, as well as the professional and highly qualified law enforcement personnel are the basic guarantees of the efficient operation of land supervision organs. There is still a big gap between the quality and quantity of the existing land supervision teams and the actual need. The lack of personnel, funds and vehicles used for supervision has resulted in the narrow coverage of the land law enforcement supervision and it is difficult to carry out the dynamic inspection, which has affected the development of the supervision.

## 1.3 Inadequate Motivational Mechanism of the Public Participation

Strengthening public participation in the field of public administration has become a world trend. Public participation could provide a platform for interested parties to express their interest requirements, enhance the consensus of the public on executive decisions and the acceptability of the administrative acts. In the field of land supervision, public participation has multiple values, which not only benefit the cultivation of the civil awareness, but also contribute to the promotion of the positive interaction between public power and individual rights of the citizens. Citizens, as the land users, belong to be one of the subjects of land supervision. Public participation in the land supervision has the following values: First of all, it provides clues for the land supervision. As the land users, citizens have the conditions and capabilities to find out the illegal acts first time. Fully motivating citizens’ enthusiasm to provide important leads for land supervision departments could facilitate the investigation and punishment of the illegal acts. Citizens participating in the land supervision as the “interested party” possess the advantages of large numbers, low cost and good effects, which could reduce the dead zone of the supervision, and form the gridding seamless supervision network. Secondly, public participation in the supervision has a deterrent effect on the illegal acts, which could make people fearful and afraid to conduct illegal acts. Thirdly, citizens’ participation is of educational significance, which could get the land users to know and gain an understanding of the law, and also enable them to protect their own legitimate rights and interest according to the

law. Fourthly, it could realize the mechanism of “reversed force” to the supervisory departments and urge the land departments to perform their duties according to the law, thus reducing the slack exercise of the power. In short, public participation will bring the most direct and most effective law enforcement information and clues for the land supervision.

The ways of public participation in the current land supervision are diversified, including making use of the village inspectors to conduct a comprehensive and dynamic inspection, establishing report mailboxes and hotline for public report, as well as conducting supervision on illegal acts through newspapers. However, the dynamic mechanism of public participation is inadequate and they are not enthusiastic enough.

#### **1.4 The Existing Technological Means Are Easy to Form Supervision Blind Zone**

Common technological means adopted in the land supervision are satellite images monitoring and remote sensing monitoring. The two monitoring methods have their own advantages and disadvantages. Satellite images monitoring is objective and accurate, but limited by the monitoring cost and conditions, it is hard to realize the complete coverage. Some remote rural areas often become the blind spots of the surveillance, while these areas are also the places with frequent occurrence of offences against the land laws. Remote sensing monitoring has periodicity, and only after the illegal acts occur could they be monitored. Therefore, it could not realize the antecedent supervision which could nip the illegal acts in the bud.

## **2. THE NECESSITY OF STRENGTHENING LAND SUPERVISION UNDER THE NEW SITUATION**

### **2.1 Building the Integrated Urban-Rural Construction Land Market Poses Challenges to the Land Supervision**

The Third Plenary Session of the 18<sup>th</sup> CPC Central Committee pointed out that building the integrated urban-rural construction land market is allowing the rural collective commercial construction land to be transferred, leased and buy shares, carrying out the market entry on an equal basis to the state-owned land with coequality and at the same prices, thus realizing the efficient and reasonable utilization of the urban-rural building land to promote the overall coordinated urban and rural development, which marks the development direction of the land market in our country.

During the construction of the urban-rural integration, illegal flow of large amount of the collective land and arbitrary transfer of the agricultural land may occur. Without effective land supervision, circumstance like

the waste of land resources, inefficient use of the land, infringement upon rights and interests of farmers and violation of the national interest probably will occur. During the construction of the urban-rural integration, how to realize the effective supervision of the land issue in rural area is the important task lying in front of us.

### **2.2 The Extensive Utilization of the Land Makes the Land Supervision More Difficult**

On the whole, the land utilization in our country tends to be relatively extensive, and the current economic growth mode requires a large consumption of the land resources. Due to the urgent requirement for the investment and business attraction, some places may reduce the standards for land use or lower the entry threshold, thus the tendency of extensive utilization of the land appears. Especially some areas are undertaking the industrial transfer feels the tight land quota and also the construction land after being examined and approved of could not be used effectively in time, which makes the land supervision more difficult and also increases the intensity (Yan, 2013).

## **3. ANALYSIS OF THE APPROACHES TO THE PERFECTION OF OUR COUNTRY'S LAND SUPERVISION**

In terms of the land supervision, our country is constantly making institutional innovation, strengthening the construction of the team and has achieved some actual supervision effects. However, the current land supervision is still faced with great challenges and needs to be perfected from the following aspects.

### **3.1 Perfecting the Related Legal System of Laws, Rules and Regulations**

The land supervision in our country depends on the soundness of the related legal system. In the field of law enforcement supervision, some places have taken the lead and formulated related laws and regulations. The *Implementation Methods of the Dynamic Inspection and Supervision of the Land Resources Law Enforcement* in Qingdao have improved the law enforcement efficiency. The governments with local legislative authority should formulate laws and regulations on the law enforcement inspection and supervision, as well as the rewarding methods for complaints and reports of the informants.

### **3.2 Strengthening the Supervision Capability of the Land Supervision Organs**

First of all, perfecting and improving the organization and management system. The perfect and complete organization and management system are the important guarantee of strengthening the land supervision capacity. Seeing from the vertical direction, the structural form constituted by the government, land management departments and the land supervision organs should be

further strengthened. The system of village (town) law enforcement supervision messenger and assistant needs to be perfected to ensure the “thorough vertical supervision” and give full play to the functions, authorities and liabilities of the land supervision departments at various levels. Seeing horizontally, the linked containment system among the departments dealing with the illegal acts against the land laws should be established and realize the “horizontal supervision to the edge”. State land departments should unite with the departments related to planning, construction, industry and commerce, development and reform, housing management, electricity, municipal administration and banking and establish the relevant work system to jointly contain and curb the illegal occupation of land for construction. Obtaining the legitimate land is the basis for the construction projects to win the approval for planning and the construction permits. If the state land departments find that some related departments are still handling the procedures of project examination and approval and registration of enterprises for units or individuals with illegal use of the land, they should report to the local government at the same level or to the superior land resources competent administrative departments timely.

Secondly, the linked and cooperative supervision mechanism among the departments should be established. State land departments could not work alone and it is hard to accomplish the supervision goal on their own. They should cooperate with the public security organs, construction departments, supervisory organs, people’s courts, and people’s procuratorates and set up the joint conference to ensure the effective investigation and prosecution of the cases against the land laws, promote the construction of the joint responsibilities mechanism for the land management and realize the “early discovery, early prevention and early treatment”.

Finally, building the highly qualified supervision team. Possessing a highly professional land supervision team which has high political caliber and moral integrity is the important guarantee of accomplishing the goal of the administrative law enforcement. The admission of the land law enforcement supervisory personnel should be strict, and during the recruitment, laws and regulations should be abided by strictly and give a comprehensive consideration of the candidates’ major, educational backgrounds, work experience and personal abilities to admit the best examinee. The vocational training of the law enforcement personnel should be strengthened and make the examination and evaluation system strict. Make sure that the law enforcement personnel establish the idea of administration by law. The law enforcement procedures should be strict to prevent the arbitrary law enforcement from violating the legitimate rights and interest of the counterparts. Besides, the work expenditure and necessary law enforcement funds should be guaranteed, which is the problem that must be solved to strengthen the supervision

system of the land law enforcement. The insufficient personnel and funds make the supervisors tired of dealing with emergencies and cases of complaints and reports, thus they could not carry out the daily inspection. Governments at various levels should make sure that the land supervision organs have sufficient special funds for cases handling and equipment purchase and maintenance to guarantee the smooth development of the law enforcement.

### **3.3 Broadening the Breadth and Depth of the Public Participation**

#### **3.3.1 Broaden the Participation Channels and Establish Multiple Participation Approaches.**

The village-to-village project in our country has extended telephones to every village and the Internet has also been widely used in rural areas. People’s government and departments in charge of the land at various levels should publicize the land supervision hotline and website for report so that the public could report the illegal acts violating the land laws they find through convenient communication means including the telephone and internet. Apart from the traditional approaches including the tip-off hotline, broadcasting, telephone and petition windows, various new channels like Wechat, microblog, report websites, internet forums and e-mails should also be popularized to strengthen the public participation so that the latest and most authentic information about the illegal acts could be obtained the first time. Also the illegal acts could be nipped in the bud. The public’s effective participation could not only enhance the supervision efficiency, but also reduce the cost of the supervision.

#### **3.3.2 Building the Team of State Land Resources Information Assistant**

Land law enforcement supervision messenger or assistant has been set up in Tianjin and Anhui. Building the system of land law enforcement supervision messenger possesses multiple values. For one thing, it could realize the early prevention, early identification and early investigation and punishment of the illegal acts. For another thing, it could enhance the public participation, grasp the latest and most authentic information about the illegal acts of the first time and nip them in the bud. The effective participation of the public could not only increase the law enforcement supervision efficiency, but also reduce the law enforcement cost.

Land bureaus in various provinces could formulate the *Regulations on Administration of the Land Law Enforcement Supervision Messenger* to provide guidance for the construction of the land law enforcement supervision messenger team and promote the supervision of the land law enforcement. The promotion of this system should start from the following aspects:

(a) The land law enforcement supervision messengers are hired by the county land resources management department which should establish the study system, training system and the system of regular meeting for

the land law enforcement supervision messengers, and regularly organize the land law enforcement supervision messengers to study the related laws and regulations on land management and make summary and deployment of the law enforcement supervision.

(b) The land law enforcement supervision messengers should perform the following duties: Assisting the land resources management department in publicizing the related laws, regulations and policies on the management of land resources; assisting the land resources management departments in carrying out the routine of inspection and reporting to the land resources management departments the illegal transfer, illegal occupation of the land, destruction of the cultivated land, illegal soil borrowing and illegal lease of the right to use the collective land; assisting the land resources management departments in conducting the supervision and investigation and handling of the illegal acts violating the land laws.

(c) Guarantee of the funds. State land departments could give the land law enforcement supervision messengers grants and subsidies. The inspection responsibility system could be implemented with each district as the responsible unit. The completion of the target tasks could be linked with the annual assessment. The individuals or units with excellent performance in the law enforcement supervision should be rewarded and commended. For those who conceal and underreport the illegal occupation of the land or fail to find and prevent the illegal acts timely, their subsidies should be deducted.

### **3.3.3 Enhance the Initiative of the Public to Participate Through Flexible Administrative Practice Including Administrative Rewards**

Traditional administration tends to be mandatory which could easily provoke the resistance sentiment of the counterparts, while modern governance model emphasizes the enhancement of the governance capacity through flexible administration ways like the administrative rewards. Material rewards and moral encouragement could be combined. Increasing the amount of the material rewards could fully arouse the enthusiasm of citizens to participate in the supervision of the administrative law enforcement and find out the illegal acts in time.

### **3.3.4 Establishing the Land Supervision Alliances**

According to the characteristics of the administrative districts, using the county as the basic unit, choose public persons with certain professional knowledge and social influence to establish the land supervision alliances responsible for the supervision of the illegal acts violating the land laws in their own regions. The specific personnel could be selected from lawyers, retired cadres of the government agencies and construction supervisory staff.

## **3.4 Making Full Use of the Science and Technology**

The development of high technology provides the scientific and technological support for land supervision.

The supervision mode of “surveillance in the sky, inspection on the ground and supervision on the internet” will form the full-coverage supervision system which could realize the timely discovery, timely report, timely prevention and timely handling, thus effectively containing the offences against the land laws. To be specific, the first thing is to strengthen the utilization of satellite remote sensing monitoring technology. The State Land Department of Hebei province could carry out the key inspection of the land law enforcement by virtue of the satellite sensing monitoring technology and through the analysis of the monitor data and inspection data, they could discover the problems timely. Secondly, strengthen the network information supervision system. Combine the operation systems of land use examination and approval, supply, utilization and supervision to form the unified information supervision platform and realize the information sharing between the operation organs and law enforcement supervisory organs. Conduct a unified gridding management and online application of the various supervision information obtained in real time. Realize the dynamic supervision and conduct the investigation and treatment timely. Increase the investments of funds and personnel. Promote the construction of the land supervision information system, optimize the information system and the functions of the internet. Make the traditional inspection and high technologies support each other and cooperate with each other.

## **3.5 Innovating the Law Enforcement Mode, Regulating and Innovating Ways of the Law Enforcement**

The innovation of the land law enforcement model is of great importance to the enhancement of the supervision efficiency. First of all, law enforcement personnel should build the service consciousness. Service-oriented government is the important goal of our country’s construction of the government ruled by law. Land supervision law enforcement personnel should build the service awareness and regard serving people and protecting citizens’ legitimate rights and interest as the starting point for all activities. Secondly, in terms of the law enforcement ways, compulsory enforcement and flexible administration should be combined. Education through publicity and the investigation and punishment according to the law should also be combined. New administrative law enforcement modes like administrative meeting and communication could be used. Administrative meeting and communication has successfully blended in with the concepts of democratic consultation and cooperation, which has the functions of communication, warning, admonishment and prevention. Administrative meeting and communication helps to strengthen the communication objects’ awareness of legal responsibilities and urge the administrative counterparts to perform their duties timely and according to the law.

### 3.6 Perfecting the Cadastral Management to Provide Basis for Land Law Enforcement and Land Supervision

Land supervision and being supervised are mutually precondition to each other. The boundaries of the supervision could be defined only by defining the boundaries of the “acquired vested rights according to law”. The perfect cadastral management could provide the basis for the reasonable utilization and protection of the land, and it is also the most effective information guarantee tool to conduct the land management. In our country, land registration authority is totally conferred on people’s governments of the cities and counties. The country has no way to know whether the original places with the certificate have handled the farmland acquisition and conversion according to law, or whether they have supplied the land according to law, which results in the illegal and inefficient use of the land and even idle lands (Zhao & Xie, 2011). In the future, the perfection of the cadastral management should be conducted from the following perspectives: First of all, perfect the registration system and realize the full coverage of the registration of ownership and right of use of the natural resources including land, forestland

and grassland. Secondly, improve the land registration system to provide information guarantee for land supervision.

---

## REFERENCES

---

- Cheng, X. Y. (2013). Reflections on current land management systems of China and their reestablishment. *China Land Science*, (7).
- Li, Z. Y. (2008). A discussion about the problems existing in the supervisory system of rural collective land and countermeasures. *Rural Economy*, (5).
- Wang, W. G., & Wang, G. H. (2006). *The legal system construction of the land right in China*. China University of Political Science and Law Press.
- Yan, J., et al. (2013). An analysis of the land supervision status in central areas and the approaches to the perfection. *Anhui Agricultural Sciences*, (24).
- Zhang, H. M. (2014). Reflections on land management systems and reconstruction of the supervision systems. *Modern Agricultural Sciences and Technology*, (16).
- Zhao, F. J., & Xie, Y. Z. (2011). Four suggestions on the strengthening of land supervision. *China Land and Resources News*.