

## Article

# Realization Mechanism of Farmers' Rights and Interests Protection in the Paid Withdrawal of Rural Homesteads in China—Empirical Analysis Based on Judicial Verdicts

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**Abstract:** In recent years, the paid withdrawal of rural homesteads has become a widely discussed topic within the academic community. However, from the perspective of protecting farmers' rights and interests, literature exploring the impact of this policy's implementation remains scarce. As the reform of the separation of the three rights of the homestead deepens, disputes related to paid withdrawal of homesteads have escalated rapidly. This study aims to highlight the importance of protecting farmers' rights and interests, seeking to enhance their property rights and revitalize unused rural resources. Employing a case study methodology, this study systematically examines the issue of farmers' rights and interests protection during homestead withdrawal. This analysis is based on the survey, collection, and evaluation of 324 judicial cases. The findings reveal the following: (1) Disputes involving paid withdrawal of homesteads encompass the entire withdrawal process, with the majority of conflicts arising during the withdrawal stage. (2) Prior to withdrawal, farmers express heightened concern regarding their political rights, particularly the right to be informed and to participate in withdrawal decisions. (3) During the withdrawal process, farmers prioritize resettlement and compensation rights. Additionally, novel issues such as the allocation of withdrawal compensation surface after farmers receive resettlement and compensation benefits. (4) After withdrawal, farmers anticipate more suitable "alternative" social rights and remedies. Based on these findings, this study presents policy recommendations for realizing farmers' rights and interests in the context of paid withdrawal of rural homesteads. These suggestions include consistently respecting farmers' autonomy and preserving their political rights throughout the withdrawal procedure. During the withdrawal stage, emphasis should be placed on the comprehensive value of resettlement compensation, encompassing both the residential and social security aspects of rural homesteads. Post-withdrawal, farmers' social rights and the development rights of their homesteads ought to be fully guaranteed, ensuring a harmonious balance between farmers' immediate and long-term interests. Furthermore, optimizing the dispute resolution mechanism stands as a pivotal aspect of safeguarding farmers' rights and interests through legal recourse.

**Keywords:** paid withdrawal of rural homesteads; farmers' rights and interests; judicial verdicts; realization mechanism



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## 1. Introduction

The ubiquitous and increasingly serious nature of human–land conflicts represents a significant and urgent global concern [1,2]. Addressing the conflict between urban and rural population growth and land utilization constitutes the fundamental objective of integrated land management. In pursuit of these goals, countries worldwide have implemented, or are currently implementing, varying degrees of comprehensive land

governance strategies [3–5]. The reform of the rural homestead system stands as a crucial component of this governance, primarily focused on the revitalization of unused land resources in rural areas. Many developed nations, including the United States, Slovenia, Cyprus, the Netherlands, and Germany, have accumulated valuable practical experience in the organization and optimization of rural homesteads [6–10]. However, certain challenges still merit our attention. Specifically, the problem of land grabbing in post-socialist countries such as Poland and Hungary [11], as well as the prevalent issue of excessively fragmented and dispersed land parcels, demand urgent consideration [12]. Furthermore, the lack of a comprehensive framework for sustainable rural development in the context of land consolidation projects, along with inadequate financing strategies [13], poses significant hurdles. To surmount these obstacles, it is beneficial to draw from experiences that prioritize ecological environmental protection and sustainable development [3,14], while endeavoring to strike a harmonious balance between land consolidation and fragmentation. However, given the unique collective ownership structure of rural land in China, coupled with the social reality where rural homestead is granted to farmers free of charge, fulfilling both residential and social security functions [15,16], the reform of rural homesteads in China poses a more specific and intricate challenge [16].

As China's urbanization momentum intensifies, the migration of farmers to cities and towns may be the largest globally [15]. The 2023 Government Work Report of the State Council of the People's Republic of China (the State Council, PRCChina) states that "China remains in the midst of urbanization, witnessing an annual influx of tens of millions of rural inhabitants into cities and towns".<sup>1</sup> Paradoxically, despite the decline in the rural populace, there has been a notable surge in the quantity of rural residential units [17,18]. With the persistent exodus of surplus rural labor, issues such as extensive land utilization, idleness, and even abandonment of residential plots have gained prominence [19]. Partial statistics from the Ministry of Natural Resources of the People's Republic of China (Ministry of Natural Resources, PRC) indicate that China's rural areas harbor at least 70 million unused houses, with vacant and unutilized land in rural settlements spanning approximately 30 million mu. In certain regions, the vacancy rate of rural houses exceeds 35%.<sup>2</sup> Consequently, the rejuvenation and effective utilization of idle rural homesteads have emerged as pressing issues that require urgent scholarly attention and resolution. To address these challenges, the National Land Planning Outline (2016–2030), formulated by the State Council, PRC, emphasizes the need for strengthened rural land use planning and oversight. It aims to comprehensively enhance the efficiency of various agricultural land types, and adjust and optimize the spatial layout of rural settlements. Additionally, it seeks to expedite the revitalization of "hollow villages", renovate dilapidated structures, and augment rural infrastructure and public amenities. Furthermore, the Guidelines on Land Use Policies for Rural Revitalization (2023), issued by the General Office of the Ministry of Natural Resources, PRC, underscores the imperative of rigorously adhering to the "one household, one residence" principle. Furthermore, it emphasizes guiding the centralized planning of rural homestead areas.

The paid withdrawal of rural homesteads (PWRH) constitutes a fundamental approach to revitalizing unused homesteads in rural settings. Specifically, it involves members of a collective economic organization voluntarily relinquishing their rights to use and eligibility for their rural homesteads, adhering to the principles of compensation and diversified reparations. This process is executed in accordance with established conditions, procedures, compensation scopes, and safeguard mechanisms, ensuring that members receive appropriate compensation for their withdrawal. Implementing this paid withdrawal system holds significant importance for both farmers and rural advancement. On one hand, this system offers economic benefits to farmers, helping alleviate rural poverty and facilitating income growth. On the other hand, the PWRH can effectively revitalize the resources of rural homesteads, improve the efficiency of land use, and promote sustainable social development [20]. Previous studies have delved into relevant policy frameworks for rural homestead system reforms, exploring farmers' willingness to withdraw and influencing

factors such as policy awareness, benefit perception, living environment insights, and familial characteristics [17,21–26]. These studies have also examined the evolving functions of rural homesteads [16,27–29] and the distribution of homestead value-added income [30,31]. With the increasing prominence of aging, research has begun to shift towards its impact on withdrawal willingness [32]. However, the majority of research remains focused on empirical aspects like driving factors for homestead withdrawal, withdrawal willingness, and compensation programs. Limited attention has been given to farmers' satisfaction and sense of access within the compensated withdrawal system. The satisfaction level of farmers plays a pivotal role in the effectiveness of this system. Although some studies have indeed addressed this issue, they primarily approach it from perspectives like resettlement compensation [33,34], settlement communities [35], living environments [36], and family resource endowment [37,38]. These studies merely scratch the surface of influencing factors, without directly reflecting farmers' satisfaction and its details. The PWRH profoundly impacts farmers' legitimate rights and interests in land. A systematic analysis of the protection of farmers' rights and interests during the PWRH holds significant importance in promoting the efficient utilization of unused rural homesteads and enhancing farmers' satisfaction and perception of gain. Nevertheless, research on the theoretical and institutional framework for protecting farmers' rights and interests during the PWRH remains limited. Exploring the institutional response to safeguard farmers' rights and interests in the homestead withdrawal process has emerged as a pressing and unavoidable issue.

Rigorous judicial practice serves as a mirror reflecting the actual state of farmers' rights and interests protection, offering the most tangible proof of farmers' satisfaction with the PWRH policy. Through an examination of judicial precedents, this study delves into the realistic state of farmers' rights and interests protection within the PWRH context. It outlines the genuine challenges encountered by farmers in legal proceedings and proposes effective countermeasures. Focusing on the safeguarding of farmers' rights and interests in the PWRH, this research systematically catalogs the distribution of PWRH-related disputes in China based on temporal, categorical, and geographical dimensions. It further explores the underlying causes of these cases and the primary points of contention. Moreover, it highlights the necessity to prioritize farmers' rights to information and participation, relocation and compensation benefits, as well as alternative social securities like pension insurance following the PWRH. Additionally, the study formulates a mechanism for realizing the protection of farmers' rights and interests within the PWRH framework. The findings of this research offer valuable policy insights for advancing reforms in China's homestead system, and the associated experiences can serve as a guide for other developing nations in crafting their rural land policies.

The contribution of this study centers on three primary aspects: (1) Unlike prior research, this paper explores farmers' satisfaction and perception of access within the PWRH context, primarily through the perspective of farmers' rights and interests protection. This approach augments the existing scholarship on farmers' satisfaction and access. (2) Our study extends the discussion on protecting farmers' rights and interests in the PWRH process, adopting a holistic and systematic view. Through the analysis of judicial cases, we uncover distinct stages in farmers' rights and interests during this process. Although farmers are naturally apprehensive about resettlement compensation, they also prioritize their rights to information and participation before withdrawal, as well as post-withdrawal social security benefits, such as pension insurance. Moreover, apart from resettlement compensation, our research underscores new concerns regarding the allocation of withdrawal compensation payments after the receipt of resettlement benefits. (3) This study considers the institutional aspect of safeguarding farmers' rights and interests during the PWRH. Based on judicial practices related to PWRH, we propose a framework aimed at the protection of farmers' rights and interests. This comprehensive framework includes political rights, resettlement and compensation entitlements, social rights, homestead-related development rights, and legal remedy rights. Our proposed framework suggests

novel approaches to advance the efficient utilization of homesteads and enhance farmers' satisfaction and perception of gain.

The remaining sections of this paper are structured as follows: Section 2 introduces a theoretical analysis framework, which is established upon a concise overview of the historical development of China's compensated withdrawal policy from homesteads. Section 3 details the research methods adopted, outlines the sample selection criteria, and provides an analysis of the chosen samples. Section 4 reveals the findings derived from the judicial cases studied. In Section 5, we delve into the research findings, building an institutional framework aimed at safeguarding farmers' rights and interests during the PWRH. Additionally, this section offers pertinent policy suggestions. Finally, Section 6 concludes the paper, highlighting key remarks, acknowledging research limitations, and outlining potential directions for future investigations.

## 2. Institutional Context and Theoretical Analytical Framework

### 2.1. Evolution of the Policy on the PWRH

From the perspective of evolving characteristics within the homestead system, China's homestead system has progressed through five significant stages. These stages include free circulation, prohibited circulation, relaxed circulation, restricted circulation, and the "three-rights separation" to revitalize circulation. Across these various stages, the homestead system has consistently aligned with the concurrent rural development strategy. Since the initiation of the first round of homestead pilot work in 2015, there have been two subsequent rounds of pilot reforms within the homestead system. The Chinese government has frequently referenced PWRH in various documents, such as the Central No. 1 Document and the Circular on Further Strengthening the Management of Homesteads (Table 1). This provides the policy backdrop for this study.

**Table 1.** Sorting out policies for the PWRH.

| Year | Name of Document                                                                                                                                                                                                                                                               | Core Content                                                                                                                                                                                        |
|------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2014 | Opinions on the Pilot Reform of Rural Land Acquisition, Market Entry of Collective Operational Building Land, and Rural Homesteads System                                                                                                                                      | Exploring the voluntary and paid withdrawal or transfer of homesteads by farmers who have settled in cities within their own collective economic organizations.                                     |
| 2015 | Opinions of the Central Committee of the Communist Party of China and the State Council on Increasing Reform and Innovation to Accelerate the Modernization of Agriculture                                                                                                     | Pilot reforms of the homestead system are being implemented in an orderly manner.                                                                                                                   |
| 2016 | Summary of the Reply to the Proposal of the Ministry of Land and Resources of the People's Republic of China on Exploring the Transfer and Paid Withdrawal of Rural Homesteads on a Pilot Basis in Areas with Mature Conditions                                                | Farmers' homesteads may be voluntarily transferred or leased within collective economic organizations, subject to remuneration.                                                                     |
| 2017 | Opinions of the Central Committee of the Communist Party of China and the State Council on Further Promoting Structural Reform of the Agricultural Supply Side and Accelerating the Cultivation of New Dynamics of Agricultural and Rural Development (Central Document No. 1) | Exploring the utilization of vacant farm buildings and homesteads by rural collective organizations through leasing and cooperation arrangements, aiming to augment the property income of farmers. |
| 2018 | Opinions of the Central Committee of the Communist Party of China and the State Council on the Implementation of the Rural Revitalization Strategy (Central Document No. 1)                                                                                                    | Improving policies pertaining to unused rural homesteads and farm buildings, as well as exploring the "three-rights separation".                                                                    |

Table 1. *Cont.*

| Year | Name of Document                                                                                                                                                                                                                                                                                                               | Core Content                                                                                                                                                                                                                                                                                                                                |
|------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2019 | Circular of the Office of the Central Leading Group for Rural Work and the Ministry of Agriculture and Rural Development on Further Strengthening the Management of Rural Homesteads                                                                                                                                           | For rural villagers who have relocated to cities, local authorities can mobilize funds through diverse channels. Additionally, they can investigate multiple methods to incentivize their voluntary withdrawal of homesteads with appropriate compensation.                                                                                 |
| 2020 | Pilot Program for Deepening the Reform of the Rural Homesteads System                                                                                                                                                                                                                                                          | Establishing a market pricing mechanism for the withdrawal and transfer of rural homesteads.                                                                                                                                                                                                                                                |
| 2021 | Opinions of the Central Committee of the Communist Party of China and the State Council on Comprehensively Promoting Rural Revitalization and Accelerating the Modernization of Agriculture and Rural Areas (Central Document No. 1)                                                                                           | Exploring effective forms of implementing the “three-rights separation” of rural homesteads: ensuring the right to use homesteads for urban-settled farmers. Furthermore, it is essential to develop specific legal measures for voluntary and compensated transfer of rural homesteads.                                                    |
| 2022 | Opinions of the Central Committee of the Communist Party of China and the State Council on Doing a Good Job in Comprehensively Promoting the Key Work of Rural Revitalization in 2022 (Central Document No. 1)                                                                                                                 | Steadily advancing the pilot reform of the rural homestead system.                                                                                                                                                                                                                                                                          |
| 2023 | Opinions of the Central Committee of the Communist Party of China and the State Council on Doing a Good Job in Comprehensively Promoting the Key Work of Rural Revitalization in 2023 (Central Document No. 1)                                                                                                                 | Promoting voluntary land transfers with compensation in accordance with legal provisions. Exploring the implementation of an efficient mechanism to regulate land appreciation gains, considering the interests of the State, rural collective economic organizations, and farmers.                                                         |
| 2024 | Opinions of the Central Committee of the Communist Party of China and the State Council on Learning and Applying the Experience of the “Thousand Villages Demonstration, Ten Thousand Villages Improvement” Project to Powerfully and Effectively Promote Comprehensive Revitalization of Rural Areas (Central Document No. 1) | Revitalizing idle land and enhancing standardized management by confirming rights, registering, and issuing certificates. Exploring avenues to refine the components of collective ownership rights, farmers’ eligibility rights, homestead usage rights, and other associated rights, as well as determining methods for their allocation. |

In 2015, China implemented the first round of its homestead pilot program in 33 counties nationwide. Based on the insights gained from this pilot practice, Central Document No. 1 of 2018 introduced the reform concept of exploring the “three-rights separation” of homesteads. Specifically, this involves the separation of ownership, eligibility, and use rights, consequently supporting farmers willing to transfer their homesteads for a fee. In September 2020, 104 counties (cities and districts) and three prefecture-level cities across the country initiated the second round of pilot reform for the rural homesteads system. This reform explores voluntary and PWRH, as well as the revitalization and utilization of unused homesteads and residences as key aspects. Regarding the withdrawal of homesteads, pilot areas adhere to the principle of voluntary compensation in accordance with the law. This is combined with practical implementation, legally acquiring homesteads through paid withdrawal, while illegally occupied homesteads are withdrawn without compensation. Various withdrawal methods have been explored, including permanent withdrawal, temporary withdrawal, property rights replacement, and monetary compensation.

## 2.2. Theoretical Analysis Framework

Under the “three-rights separation” theory, the homestead’s rights structure comprises ownership, eligibility rights, and use rights. Ownership of the homestead rests with the farmers’ collective, while farmers hold the eligibility and use rights. The eligibility right, characterized by its identity attributes, cannot be purchased, transferred, inherited, or gifted; however, it may be revoked under specific conditions. In contrast, the use right constitutes a property interest, falling under the usufruct category, and is transferable within certain limits. The PWRH involves both eligibility and use rights. This withdrawal can be

categorized as complete or partial, depending on whether the eligibility right is retained (Table 2). In a complete withdrawal scenario, farmers relinquish both their eligibility and use rights, forfeiting their entitlement to apply for the use right of the homestead. Consequently, they qualify for full compensation. Conversely, illegally over-occupied or unlawfully occupied homesteads are typically withdrawn without any compensation. In a partial withdrawal situation, farmers surrender only their use rights while maintaining their eligibility rights, thus receiving reduced compensation.

**Table 2.** Circumstances of PWRH and their legal consequences.

| Types of Rural Homesteads | Situations of Withdrawal                                                        | Legal Consequences                                                                                                                        | Access to Compensation      |
|---------------------------|---------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|
| Legal Homestead           | Complete withdrawal                                                             | Farmers no longer retain eligibility to apply for homestead use rights.                                                                   | Full Compensation           |
|                           | Partial withdrawal                                                              | Farmers may continue to retain their eligibility to apply for the right to use the homestead and reapply within an agreed period of time. | Less compensation           |
| Illegal Homestead         | Complete withdrawal (illegally over-occupied or unlawfully occupied homesteads) | Farmers can no longer apply for homesteads.                                                                                               | Uncompensated predominantly |

Based on stakeholder theory, reform constitutes a set of multilateral agreements among various stakeholders. In these agreements, each party contributes unique resources and is entitled to equal rights and interests. The process of withdrawing from homestead necessarily involves multiple stakeholders. These stakeholders include farmers, village collective economic organizations, the central government, local governments, and the market and society. Village collective economic organizations are represented by the cadres of village “two committees”. Local governments are represented by county and township officials, while the market and society are represented by third-party professional institutions. Each stakeholder holds distinct interests. By examining the interest demands of these various stakeholders, it becomes possible to implement targeted measures to fulfill their respective expectations (Table 3). For withdrawing farmers, the anticipated benefits encompass several aspects. Firstly, they can expect economic gains through fair and equitable compensation. Secondly, there exists the potential for land appreciation. Finally, additional advantages include access to information, participation opportunities, and remedial measures for rights protection. However, in reality, the allocation of benefits is often influenced by the status and influence of the stakeholders. Farmers, despite being key players, sometimes occupy a disadvantaged position due to their limited bargaining power. This imbalance can lead to farmers receiving fewer benefits compared to other stakeholders. This becomes particularly evident when compared to local governments, who frequently possess greater resources and influence [39]. To mitigate this, transparent and inclusive decision-making processes, along with independent third-party mediation, can help ensure a more equitable distribution of benefits. Furthermore, numerous studies have indicated that when farmers perceive that their interests are not fully represented or safeguarded, resistance towards homestead reforms may arise [23,40,41]. Hence, it is crucial for all stakeholders, especially governments, to prioritize the interests and concerns of farmers to ensure smooth and sustainable homestead reforms.

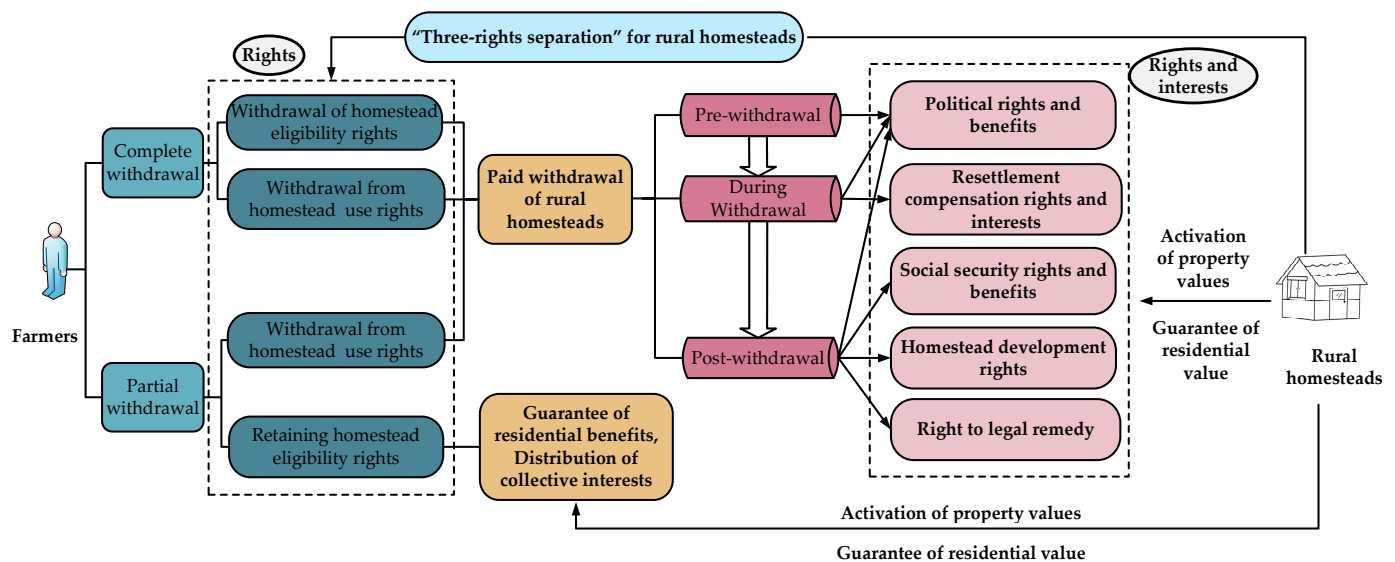
Defining the primary components of farmers’ rights and interests constitutes the essence of the homestead system reform in the contemporary era. By referencing Table 3, we have condensed the rights and interests of farmers pertaining to the PWRH into five categories (Figure 1). These categories encompass political rights and interests, resettlement



ment compensation rights and interests, social security rights and interests, homestead development rights and interests, and legal redress rights and interests.

**Table 3.** The interests of different stakeholders in PWRH.

| Interests          | Withdrawing Farmers                                                                                                | Farmers' Collective Economic Organizations                                                                         | Local Government                                            | Central Government                                   | Market Players                                          |
|--------------------|--------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|------------------------------------------------------|---------------------------------------------------------|
| Economic Interests | Receive fair and equitable compensation, and participate in the sharing of profits derived from land appreciation. | Receive fair and equitable compensation, and participate in the sharing of profits derived from land appreciation. | Obtain land premiums to bolster local economic development. | Urbanization development, rural revitalization, etc. | Profit from the development of saved construction land. |
| Other interests    | Information, participation, social security, legal remedies.                                                       |                                                                                                                    | Gaining political achievements and promotion.               | National food security, social stability, etc.       |                                                         |



**Figure 1.** A theoretical analytical framework for the protection of farmers' rights and interests in the PWRH.

In the pre-withdrawal phase, farmers prioritize political interests, which occupy a prominent position within their rights and interests framework. These interests encompass the rights to information, supervision, and expression of will concerning decisions made by the collective economic organization regarding the withdrawal of homesteads. Given the unique context in rural China, where numerous migrant workers relocate to cities for extended periods [16], the importance of timely access to decisions becomes paramount. This holds especially true for decisions pertaining to the PWRH. Effective farmer participation not only mitigates policy risks but also enhances the efficiency of project implementation [42,43]. It is imperative for local governments to introduce pertinent policies. Meanwhile, village collectives should devise implementation guidelines that clarify farmers' participation methods and their entitlements during program execution. Furthermore, withdrawing farmers must be provided with relevant information in a prompt manner.

During the withdrawal process, farmers are primarily concerned about resettlement and compensation benefits. The rights and interests of farmers in resettlement compensation primarily encompass the following: (1) Rights pertaining to the utilization of homestead. Within the theory of the “three-rights separation”, the property value inherent in the right to use homesteads has gained prominence. By relinquishing idle homesteads, farmers become eligible to reap the economic benefits associated with the utilization of said homesteads. (2) Rights and interests related to farmers’ housing ownership. Farmers’ housing fulfills a crucial role in securing their basic production, livelihood, and development. During the withdrawal process from the homestead, this should be appropriately reflected in the withdrawal compensation standards, methods, and procedures. Consequently, upon the transfer of the right to use the homestead, compensation should simultaneously encompass the value of both the farmers’ housing property and the corresponding homestead. Regarding compensation for the expropriation of rural homesteads, both the Civil Code (Article 243) and the Land Administration Law (Article 48) clearly stipulate compensation principles and items. These laws emphasize the importance of providing “fair and reasonable” compensation. Notably, the 2019 amendment to the Land Administration Law specifically underscores “protecting the right of rural villagers to live. Additionally, it emphasizes protecting their legitimate housing and property rights and interests”. This provision reflects comprehensive safeguards for farmers’ property rights, particularly their usufruct rights to rural homesteads. PWRH in China typically includes monetary compensation, replacement compensation, compensation for reapplying for homestead rights, and compensation for commercial housing. However, considering factors like rising prices, monetary compensation often proves insufficient [44–46]. Consequently, disputes over resettlement compensation frequently end up in court, with the farmers’ core demand typically centering on higher resettlement compensation standards.

After withdrawal, farmers retain social rights and interests derived from the homestead’s social security function [16]. These rights and interests serve to ensure their productive livelihoods and long-term development, essentially functioning as safeguards and welfare provisions. In recognition of this, pilot areas have explored incentives tied to enduring forms of compensation, including provisions for old age, medical care, and employment. Additionally, Transferable Development Rights (TDR) represent a hypothetical land use policy instrument aimed at addressing the “windfall-wipeout” challenge and rectifying economic distortions caused by conventional zoning practices [47]. The PWRH by farmers in pilot areas also entails the right to homestead development. Essentially, the withdrawal process from rural homestead foundations constitutes a trade of TDRs. This right relates to the distribution of naturally value-added components of the homestead. Based on TDRs, withdrawing farmers retain comprehensive usufructuary rights. Specifically, this includes the right to compensation for economic benefits lost upon withdrawal and the entitlement to future value-added proceeds from the homestead. Finally, farmers who have withdrawn from their homesteads also retain the right to seek legal remedies. If farmers disagree with the guidance provided by relevant government departments, or believe that the implementation rules of village collectives infringe upon their legitimate rights and interests, they should have access to redress channels. Moreover, if farmers contest the determination of their rights and interests regarding compensation and resettlement, dispute resolution mechanisms should be available to them. Additionally, in case farmers encounter issues even after their houses have been vacated, they must be able to uphold their rights and interests through seamless access to these redress channel and related dispute resolution mechanisms.. Specific provisions include the following: (1) Entitlement to judicial protection in the event of homestead withdrawal. Concerning judicial adjudication procedures for disputes, it is imperative to clarify the boundaries between the exercise of administrative and judicial powers. Clarification of this point holds utmost importance in ensuring farmers’ entitlement to judicial relief and protection pertaining to their homestead withdrawal rights. (2) Voluntary selection of legal dispute resolution mechanisms. Diverse legal dispute settlement mechanisms must be premised on respecting the will of the parties



involved. Specifically, farmers withdrawing from their land should have the liberty to choose mediation, arbitration, or litigation, in accordance with the law, to preserve their legitimate rights and interests.

### 3. Materials and Methods

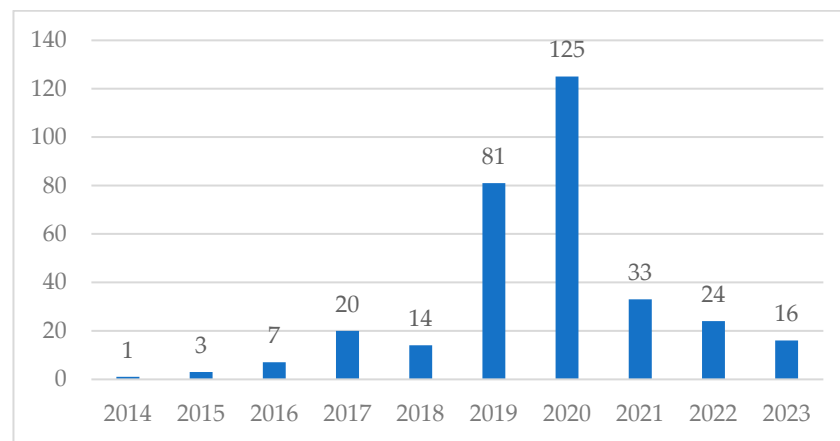
#### 3.1. Description of the Methodology and Sample Selection

The case study approach serves as an optimal methodology for exploring land consolidation research. Given that the current policy of compensated withdrawal of rural homesteads remains in its pilot phase, quantitative analyses, such as regression analysis, are not suitable at this time [16]. Consequently, this study employs the case study method to comprehensively observe judicial rulings related to the preservation of farmers' rights and interests in the context of PWRH. By scrutinizing specific case examples, this approach enables a nuanced understanding of the judicial system's response to conflicts arising between farmers and other pertinent stakeholders. Furthermore, this methodology facilitates a detailed examination of the court's adjudication attitudes, thereby providing valuable insights into the intricacies and complexities surrounding homestead withdrawal disputes.

The protection of farmers' rights and interests during the PWRH must be firmly grounded in judicial practice, with the logic of such practice serving as both the starting and ending points. This approach acknowledges and reflects practical realities, informs and revises practices, and ultimately responds to them. To this end, this article employs the "China Judgments Online" as the primary search tool, complemented by "PKULAW", "JUFA Cases", and other case search engines. By examining disputes related to the PWRH in China from 1 January 2014 to 31 December 2023,<sup>3</sup> we aim to precisely illuminate the protections afforded to farmers' rights and interests during the PWRH. In selecting and analyzing our samples, we used the keywords "paid withdrawal of rural homesteads" and "withdrawal of rural homesteads" to search within the "full text" field. As of 31 December 2023, our search yielded a total of 394 cases. After eliminating duplicates, obviously unrelated cases, and withdrawn cases, we arrived at a final count of 324 valid cases, which form the analytical sample for this study. For these 324 cases, we first present an overview of judicial practice patterns through an analysis of time trends and geographical distributions related to compensated withdrawal of rural homesteads. Then, we analyze the types of disputes encountered in the actual operation of the PWRH and the strength of the court's support. This analysis reveals the problems in the protection of farmers' rights and interests in the actual operation of the PWRH.

#### 3.2. Judicial Forms and Adjudications of Disputes over the PWRH under the Case Study Approach

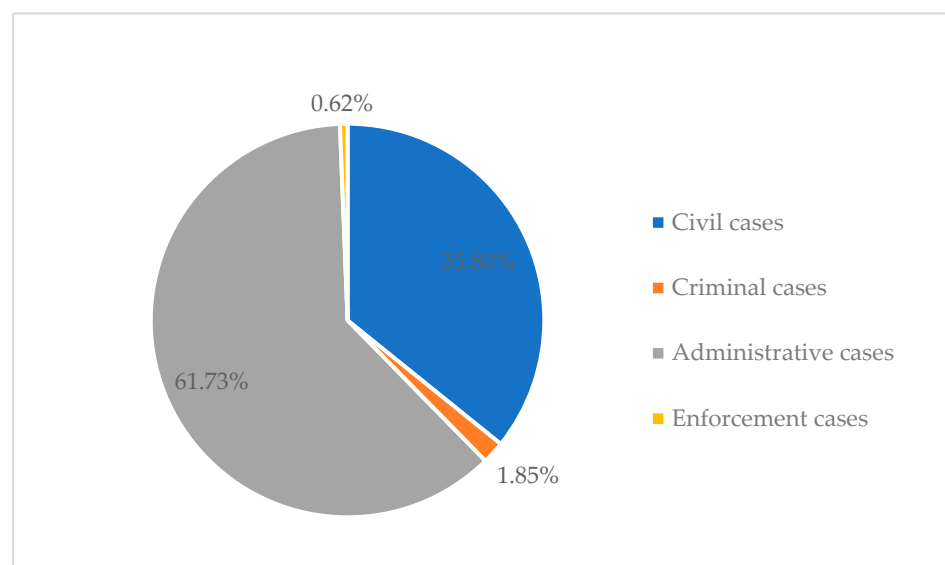
As shown in Figure 2, prior to 2020, cases pertaining to the PWRH exhibited a pronounced upward trajectory. Notably, in 2020, the case count almost matched the cumulative total of previous cases, constituting 38.58% of the overall sample. However, since 2020, the number of cases has demonstrated a distinct downward trend. This trend can potentially be attributed to the fact that, prior to 2020, several regions had just initiated a series of measures aimed at revitalizing unused rural homesteads and advancing rural urbanization. The PWRH, as a pivotal approach to revitalize these properties and facilitate land supply for urbanization, was frequently implemented in practice, leading to an escalation in related disputes. Since 2020, local governments have implemented more flexible approaches to tackle land supply issues. Specifically, they have capitalized on the "three-rights separation" policy and eased restrictions on the market entry of homesteads. Such measures are beneficial for preserving the rights and interests of farmers.



**Figure 2.** Number of disputes over PWRH in different years.

### 3.2.1. Different Types of Disputes Arising from PWRH

The “China Judgments Online” categorizes cases into five types: civil, criminal, administrative, compensation, and enforcement. Cases related to the PWRH exclude state compensation cases. Within our sample of 324 cases, we identified 116 civil cases, constituting 35.80% of the total, 6 criminal cases (1.85%), 200 administrative cases (61.73%), and 2 enforcement cases (0.62%) (Figure 3). The predominance of civil and administrative cases indicates that farmers were not fully satisfied with the withdrawal policy arrangements.



**Figure 3.** Different types of disputes arising from PWRH.

### 3.2.2. Regional Distribution of Disputes Related to PWRH

Disputes concerning the PWRH are primarily spread across 21 provinces, autonomous regions, and municipalities directly under the central government (Figures 4 and 5), with notable geographical disparities in case counts. Specifically, Anhui Province and Chongqing Municipality stand out, recording 122 and 51 disputes, respectively, which account for 37.65% and 15.74% of the total disputes. These figures are significantly higher compared to other administrative divisions. This disparity could be attributed to Anhui’s status as a major agricultural province with a heavy reliance on homesteads. Additionally, a considerable number of cases are undergoing second-instance proceedings, thus increasing the overall dispute count. On the other hand, Chongqing’s approach to PWRH is characterized by its “land ticket” system. Given the cyclical nature of land ticket generation and transactions,

farmers who have withdrawn and reclaimed their original homesteads can only receive the full transaction price upon the realization of the land ticket deal. This process has been a source of numerous disputes.

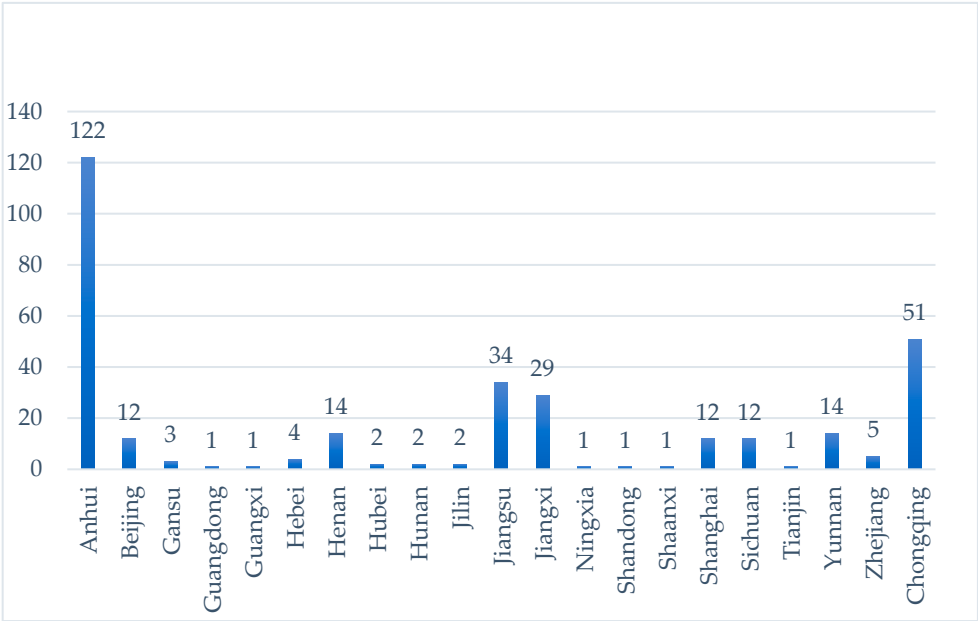


Figure 4. Regional distribution of disputes related to PWRH.

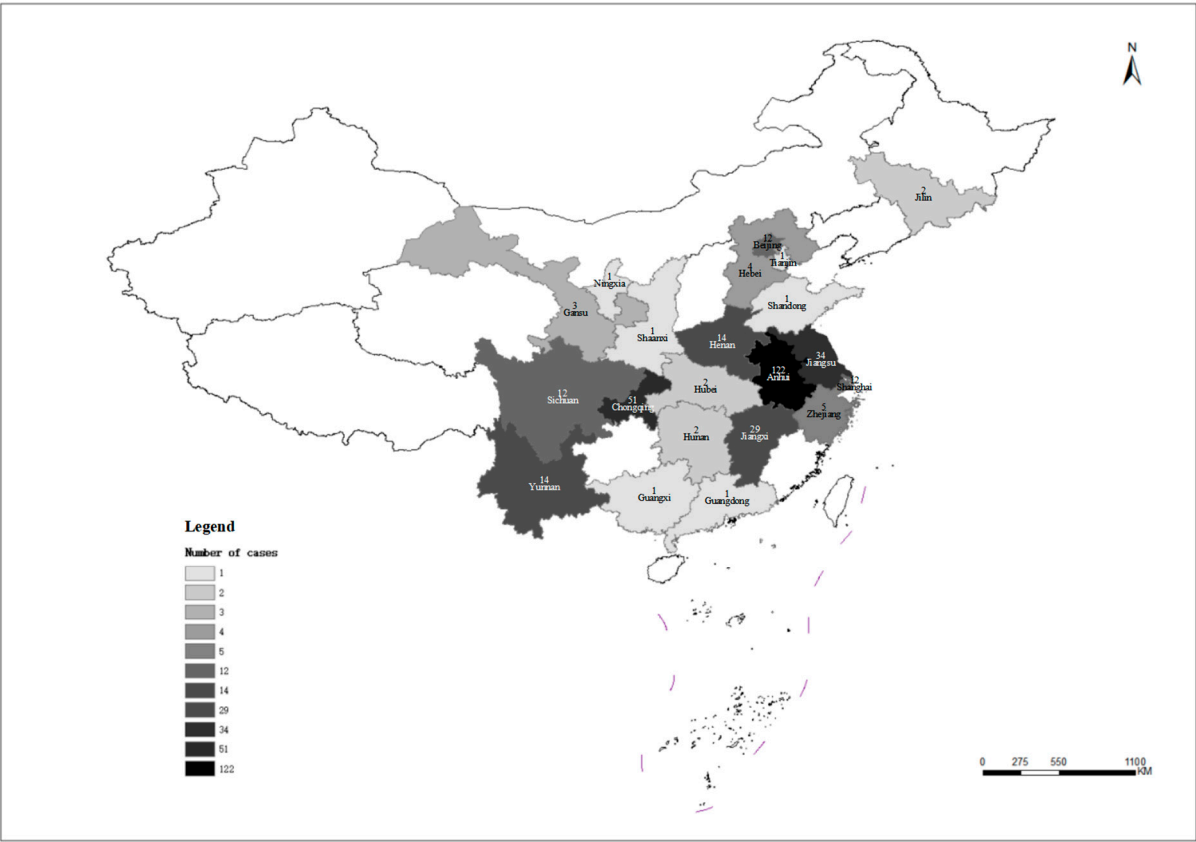
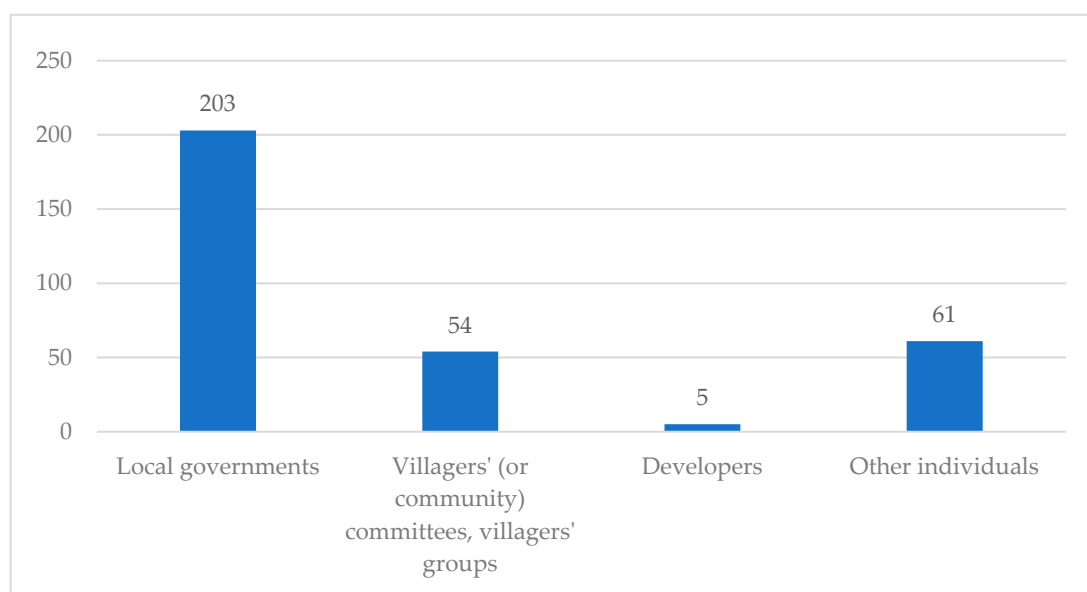


Figure 5. The regional distribution of disputes related to PWRH is shown on the map (Note: this map has been created using standard maps downloaded from the Ministry of Natural Resources Standard Map Service website, bearing the review number GS (2024) 0650, without any alterations made to the base map).

### 3.2.3. Subjects Involved in Disputes over PWRH

Disputes related to the PWRH typically involve multiple stakeholders, including farmers, developers, villagers' (or community) committees, villagers' groups, and local governments. Among these, civil disputes between farmers and local governments, as well as villagers' (or community) committees, predominate. As demonstrated in Figure 6, out of 318 cases (excluding criminal cases), 203 cases involve disputes between farmers and local governments, constituting 63.84% of the total. Fifty-four cases, representing 16.98% of the total, concern disputes between farmers and villagers' (or community) committees or villagers' groups. Five cases, accounting for 1.57% of the total, pertain to disputes between farmers and developers. Sixty-one cases, comprising 19.18% of the total, relate to disputes between farmers and other individuals. Evidently, during the withdrawal process, farmers expressed dissatisfaction with the local government's withdrawal and resettlement compensation program and its specifics, subsequently triggering disputes among individual farmers after the withdrawal.



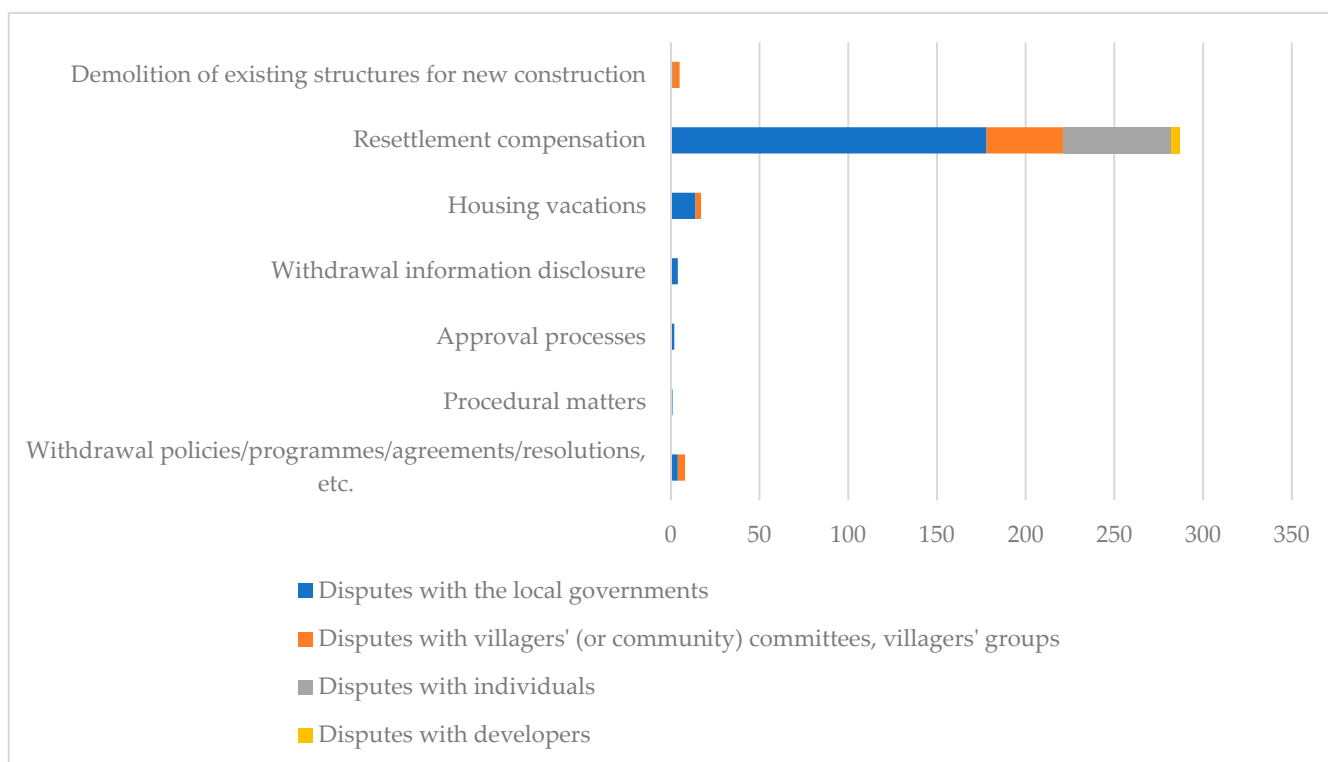
**Figure 6.** Distribution of subjects in disputes related to the PWRH (Note: five cases involved both village councils and local governments; hence, the aggregate figure in this context exceeds the overall count of cases).

### 3.2.4. Matters Involved in Disputes over the PWRH

The distribution of disputes related to the PWRH, categorized by type, geography, and subject, reveals its current status in judicial practice. This study aims to delve deeper into the primary disputes and controversies surrounding the compensated withdrawal of homesteads. By doing so, we aim to highlight the intricate web of interests involved and enable more precise protection of farmers' legitimate rights and interests.

Disputes arising from the PWRH exhibit variation depending on the parties involved (Figure 7). Specifically, conflicts between farmers and local governments predominantly revolve around issues such as withdrawal agreements, procedural matters, approval processes, resettlement compensation, and the disclosure of withdrawal-related information. Meanwhile, disputes between farmers and villagers' (or community) committees or villagers' groups primarily concern withdrawal resolutions, house vacations, resettlement compensation, and the demolition of existing structures for new construction. Conflicts between farmers and other individuals primarily focus on the allocation of resettlement compensation (including inheritance-related distributions) and the repayment of improperly obtained resettlement compensation. Additionally, disputes between farmers and developers primarily pertain to the methodologies employed for resettlement compensa-

tion. In summary, the majority of disputes between farmers and various entities center on issues related to resettlement compensation.



**Figure 7.** Matters involved in disputes between farmers and different stakeholders over the PWRH (Note: five cases encompassed both village councils and local governments, while one case encompassed two separate disputes. Therefore, the cumulative number for this particular aspect surpasses the overall count of cases).

### 3.2.5. Attitudes of the Courts

Among the 318 cases analyzed (excluding criminal cases), a notable proportion progressed to second-instance trial proceedings, and a handful even underwent trial supervision procedures. This trend suggests that farmers retain considerable disagreement with the verdicts or rulings handed down by people's courts after the first instance. Consequently, they are prepared to incur additional expenses to pursue appeals and seek trial supervision as a means of defending their rights (Table 4).

**Table 4.** Decisions of courts at different trial stages.

| Trial Proceedings             | Numbers | Supported  | Not Supported |
|-------------------------------|---------|------------|---------------|
| First instance                | 172     | 74, 43.02% | 98, 56.98%    |
| Second instance               | 132     | 5, 3.79%   | 127, 96.21%   |
| Trial supervision proceedings | 14      | 2, 14.29%  | 12, 85.71%    |

As demonstrated in Table 4, even after progressing through the first, second, and retrial stages, the courts have upheld farmers' claims in relatively few cases. Specifically, at the first instance stage, 56.98% of cases did not receive court support, with 78.57% being rejected and 21.43% not being filed. At the second-instance stage, courts upheld the original verdict and dismissed appeals in 96.21% of cases. Furthermore, at the trial supervision stage, the court rejected retrial applications in 85.71% of cases. Among the unsupported cases, court decisions primarily resulted in dismissals or non-filing. The primary reasons for court rejection included farmers misidentifying the defendant and disputes lacking



factual and legal merit. Cases that were not filed often involved farmers petitioning the court to rescind government withdrawal policies or village collective resolutions. Typically, the court viewed locally formulated and issued binding decisions and orders as normative documents. These documents are applicable to unspecified recipients and are repeatable. Alternatively, the court considered relevant policy decisions to have been made by the local government's Standing Committee of the People's Congress. Consequently, these matters fell outside the jurisdiction of People's Courts. Additionally, resolutions from villagers' (representative) meetings are considered part of village self-government and also fall outside the court's scope.

#### 4. Results

##### 4.1. The Challenge of Protecting Farmers' Rights and Interests during the PWRH Presents Distinct Focal Points throughout Various Stages of the Process

Combined with Figure 7, it becomes evident that disputes stemming from the PWRH span the entire pre-withdrawal, during-withdrawal, and post-withdrawal phases. Prior to withdrawal, the primary disputes center around verifying the legality of withdrawal compensation agreements or programs, as well as the legality of resettlement compensation agreements or programs. Additionally, disputes arise over farmers' applications for withdrawal, and the withdrawal procedures themselves. During the withdrawal stage, controversies primarily focus on vacating the withdrawn properties, assessing the eligibility of the individuals subject to resettlement, and determining the specifics of resettlement compensation including its method and content. Furthermore, controversies arise over allocating withdrawal compensation payments (or inheritance distribution), and ensuring transparency in the disclosure of withdrawal-related information. Post-withdrawal conflicts mainly emerge in issues related to alternative social security provisions, such as basic pension insurance, and the construction of new dwellings for farmers after their withdrawal (Table 5). Notably, disputes are most common during the mid-withdrawal phase, primarily regarding the qualification of resettlement candidates and the benefits tied to resettlement compensation.

**Table 5.** Types of disputes over the PWRH at different stages.

| Withdrawal Stage  | Subject Matter of Dispute                         | Number of Cases | Rate   |
|-------------------|---------------------------------------------------|-----------------|--------|
| Pre-withdrawal    | Withdrawal agreements/resolutions/programs        | 8               | 2.52%  |
|                   | Settlement compensation agreement/program         | 60              | 18.87% |
|                   | Withdrawal Procedures                             | 1               | 0.31%  |
|                   | Withdrawal Approval                               | 2               | 0.63%  |
| During withdrawal | Vacation of Housing                               | 17              | 5.35%  |
|                   | Qualification of resettlement subject             | 95              | 29.87% |
|                   | Rehousing Compensation Methods                    | 4               | 1.26%  |
|                   | Rehousing Compensation Benefits                   | 112             | 35.22% |
|                   | Disclosure of Information on Withdrawal Matters   | 4               | 1.26%  |
| Post-withdrawal   | Alternative Social Security                       | 11              | 3.46%  |
|                   | Demolition of the old and construction of the new | 5               | 1.57%  |

Note: The total number of types of disputes exceeds the number of cases, as multiple disputes may be involved in the same case at the same time.

##### 4.1.1. Pre-Withdrawal: Insufficient Attention to the Political Rights of Farmers

In order to delve into the central problems related to homestead disputes, it is crucial to examine the need for a forward-thinking political discourse tightly linked to the homestead land policy. Furthermore, it is essential to consider the litigation instances that have emerged as a direct outcome of this policy [30]. These disputes deeply reflect farmers' aspirations for fairness, justice, and the protection of their rights and interests. In the context of disputes related to the PWRH, farmers' interest in demanding participation rights and the right to be informed about relevant policies becomes apparent.

From a legal perspective, the withdrawal of farmers from rural homesteads primarily concerns the relinquishment of homestead usage rights. According to Article 25(3) of the Regulations on the Implementation of the Land Administration Law of the People's Republic of China, the land administration department of the municipal or county people's government must devise a compensation and resettlement scheme for the expropriated land. This scheme should be aligned with the approved land expropriation plan and developed in collaboration with relevant departments. They are also required to make an announcement in the townships and villages where the expropriated land is located and take into account the opinions of rural collective economic organizations and affected farmers. Furthermore, as per Article 24 of the Organic Law of the Villagers' Committees, matters pertaining to PWRH should be addressed following discussion and decision by the villagers' assembly. However, practical implementation has given rise to disputes. In the case of Anhui Province Fengyang County People's Court (2019) Anhui 1126 Xing Chu No. 27, the farmers involved contended that the township government acted unlawfully by issuing the Land Expropriation Compensation Program Announcement and its Supplementary Announcement during the land expropriation process.<sup>4</sup> Similarly, in Nanchang Railway Transportation Court (2019) Gan 7101 Xing Chu No. 257, farmers argued that the withdrawal resolution was not properly convened or voted on in accordance with the Organic Law of the Villagers' Committees. They claimed ignorance of and disagreement with the villagers' assembly resolution, alleging violations of their right to know and vote, and subsequently filed a lawsuit seeking to confirm the Township People's Government's failure to fulfill its supervisory duties.<sup>5</sup> Government actions significantly impact the practice of homestead withdrawal [48]. Farmers' interest in demanding the right to know and participate in PWRH extends beyond the withdrawal process itself. They are also concerned about the transparency of information related to compensated withdrawal. For instance, in the case of Jiangsu Province's Xuzhou Intermediate People's Court (2017) Su 03 Xing Chu No. 268, farmers requested the court to compel the county government to disclose the legal basis of the "villagers' rural homesteads voluntary withdrawal compensation agreement", the list of registrants for voluntary withdrawal, the area of the withdrawn rural homesteads, and other pertinent details.<sup>6</sup>

#### 4.1.2. During Withdrawal: Irregularities in the Mechanism for Protecting the Rights and Interests of Farmers in Resettlement and Compensation

Given the intricate nature of property rights pertaining to rural homesteads and farmhouses, the compensation and resettlement process upon withdrawal frequently involves determining the resettlement population, the scope and criteria for compensation, as well as the format of such compensation. Neither the district government's guidelines nor the township government's implementation program can comprehensively cover all possible scenarios, leaving considerable flexibility in the execution of these measures.

Firstly, the criteria for determining the subjects of resettlement and compensation exhibit significant variations across regions. In multiple cases heard by the Anhui Higher People's Court—including (2020) Anhui Xing Zhong No. 1232, No. 1233, No. 1234, No. 1247, No. 1248, and No. 1250—as well as those heard by the Anhui Intermediate People's Court of Anqing Municipality, such as (2019) Anhui 08 Xing Chu No. 147 and (2019) Anhui 08 Xing Chu No. 158, the court primarily considered whether individuals had maintained long-term residency in the local area.<sup>7</sup> This approach was consistent with the guidelines outlined in the "Interim Measures for Rural Homesteads Withdrawal Reward for Households Expropriated from the Collective Land in the Planning Area of County Town of Wangjiang County" and the "Implementing Rules for the Certification of Households Resettled". Alternatively, in the case heard by the Intermediate People's Court of Huzhou City, Zhejiang Province—specifically, (2019) Zhe 05 Xing Zhong No. 138—the court determined the resettlement subject based on membership in a collective economic organization.<sup>8</sup>

Secondly, regarding the scope of compensation, the current compensation framework for homestead withdrawal is limited, only compensating for the area occupied by the house

on the homestead, excluding the area taken up by the courtyard and other ancillary facilities. For instance, a key dispute in the case heard by the Chongqing Third Intermediate People's Court (2020) Yu 03 Xing Pei No. 10 revolves around whether ancillary facilities should be encompassed within the reclaimed area.<sup>9</sup> Farmers often demand a reconsideration of the reclaimed area, as exemplified in the case of Chongqing Banan District People's Court (2015) Yu 0113 Xing Chu No. 23.<sup>10</sup> Similarly, in the case of Anhui Province Jinzhai County People's Court (2018) Anhui 1524 Xing Chu No. 25, farmers seeking withdrawal included compensation for fruit trees outside their homes in their claims.<sup>11</sup> While PWRH can potentially boost farmers' property income and enhance their living standards, the full implementation of usufructuary property rights associated with the homestead remains incomplete. Consequently, during the withdrawal process, farmers' autonomy, rights, and interests—especially their entitlement to fair compensation—have not been fully honored [49]. The compensation received by farmers through PWRH often falls short of their expectations [50]. For instance, in the case heard by the Huai'an Intermediate People's Court of Jiangsu Province (2019) Su 08 Xing Chu No. 65, farmers withdrawing from the land contended that compensation standards were developed without consulting villagers. They also argued that the relocation compensation was insufficient to cover losses, including the loss of land, ensuring that the farmers' original standard of living was not compromised. They petitioned the local government to address and coordinate the compensation standards.<sup>12</sup>

Thirdly, regarding the form of resettlement compensation, Articles 13 and 14 of the Administrative Measures for the Demolition and Relocation of Housing on Collective Land in Beijing stipulate that rural homesteads projects undergoing demolition and relocation can opt for either monetary compensation or housing resettlement. It is important to note that individuals who receive monetary compensation are not eligible for further housing resettlement. However, the current compensation programs leave room for improvement. For instance, in the case heard by the Beijing Daxing District People's Court (2021) Jing 0115 Min Chu No. 25870, a farmer who had already received monetary compensation still demanded a detached house of at least 200 square meters and a centralized house as part of the resettlement package.

Finally, there are cases of unjust enrichment related to resettlement compensation. This situation mainly occurs in two scenarios: (1) The village committee entrusts other villagers to receive the compensation on their behalf. For instance, in the case of Sichuan Lu County People's Court (2020) Chuan 0521 Min Chu No. 883, a dispute arose when the village committee paid the compensation for the withdrawal of rural homesteads to other villagers in the form of proxy collection.<sup>13</sup> (2) Government operational mistakes. In another example, the Anhui Jinzhai County People's Court (2019) Wan 1524 Min Chu No. 2854 case involved a dispute over the return of unjust enrichment due to an operational error that resulted in overpayment of compensation by the local government.<sup>14</sup>

Through analyzing relevant cases, this study also found that the allocation of compensation payments often leads to disputes. These disputes typically arise after the farmers receive resettlement compensation, particularly regarding the inheritance of compensation. Cases such as the Jiangsu Wuxi Intermediate People's Court (2022) Su 02 Min Zhong No. 7829, Henan Xuchang Intermediate People's Court (2022) Yu 10 Min Zhong No. 1055, Jiangsu Wuxi Intermediate People's Court (2021) Su 02 Min Zhong No. 935, Shanghai Jinshan District People's Court (2023) Hu 0116 Min Chu No. 7064, and Guangdong Meizhou Meijiang District People's Court (2020) Yue 1402 Min Chu No. 1622 all involve issues of compensation allocation or inheritance distribution.

#### 4.1.3. Post-Withdrawal: Social Rights and Benefits of Farmers Are Not Fully Realized

Rural homesteads embody the social security functions inherent in farmers' rights to subsistence and housing rights. When a farmer withdraws from their homestead, they simultaneously forfeit the various protections tied to it. This forfeiture is particularly significant when farmers are encouraged to relinquish their right to use the rural homestead

in favor of becoming an urban resident. To address the dual challenge of “loss of land and loss of security” confronting farmers, an “alternative” social security mechanism must accompany the PWRH, thus ensuring the long-term interests of farmers. To incentivize farmers to withdraw from their homesteads, certain pilot regions have implemented a policy. This policy allows that farmers who withdraw from their homesteads in the context of “transitioning from agriculture to non-agriculture” may apply for basic old-age pension insurance and receive the associated benefits. However, in practice, numerous disputes have arisen between farmers withdrawing from their rural homesteads and local governments implementing the “agriculture to non-agriculture” transition. For instance, in cases heard by the Chongqing Yunyang County People’s Court, such as (2019) Yu 0235 Xing Chu No. 79, No. 80, No. 89, No. 90, No. 94, and No. 95, farmers petitioned the court to affirm their eligibility to participate in pension insurance based on their residency. They also requested the Social Insurance Service Center to continue disbursing pension insurance benefits. Similarly, in cases heard by the Chongqing Fifth Intermediate People’s Court (2016) Yu 05 Xing Zhong No. 507 and the Chongqing Higher People’s Court (2017) Yu Xing Shen No. 303, farmers who had withdrawn from their homesteads petitioned the court to compel the Social Insurance Service Center to continue fulfilling the application requirements for basic pension insurance for those transitioning from farming to urban living.

#### 4.2. Reflection on Disputes: The Core Issues Lie in Insufficient Effective Participation of Farmers and Incomplete Compensation for the Value of Rural Homesteads

##### 4.2.1. Insufficient Effective Participation of Farmers

Farmers should be the primary actors in the reform initiative, as their engagement in rural land consolidation efforts enhances the overall performance of the reform [43]. In the PWRH, a higher level of farmer participation directly correlates with more effective implementation of the withdrawal policy. Long-term rural residents, especially older farmers with limited skill sets, often struggle to adjust to the urban lifestyle and its associated higher cost of living [51–54]. Consequently, greater farmer participation tends to correlate with a stronger willingness to withdraw their homesteads. Additionally, broader farmer involvement leads to greater acceptance of relevant policies, thereby facilitating smoother implementation of the PWRH policy. However, in practice, the central role of farmers has often been overlooked [55]. Pilot practices can be categorized into four distinct models based on the leadership entity involved: (1) homestead withdrawal led by collective economic organizations, (2) homestead withdrawal led by local governments, (3) a joint model led by both local governments and village collectives, and (4) a market-driven model (Table 6).

**Table 6.** Comparison of different models of the PWRH.

| Withdraw Models       | Collective Economic Organizations Lead     | Local Government-Led                  | Local Government and Village Collectives Jointly Lead | Market-Driven Model                    |
|-----------------------|--------------------------------------------|---------------------------------------|-------------------------------------------------------|----------------------------------------|
| Pilot region          | Yicheng in Hubei, Jinjiang in Fujian, etc. | Sichuan Lu Xian, Anhui Jinzhai, etc.  | Yujiang, Jiangxi, etc.                                | Zhejiang Yiwu, Chongqing, etc.         |
| Model Characteristics | Intra-village mobility                     | Government behavior instead of market | Land transfer                                         | Market mechanism to allocate resources |
| Transaction Scope     | Village area                               | Provincial/county (city)/town area    | Village area                                          | Provincial/county (city)               |
| Funding Sources       | Farmers                                    | Fiscal funding                        | Financial resources, farmers                          | Market main body                       |
| Replicability         | Very weak                                  | Weaker                                | Stronger                                              | Very strong                            |

In reality, the PWRH is predominantly executed under the direction of the government [56]. Combined with Table 3, it becomes evident that local governments’ interests

in the PWRH primarily stem from obtaining the land price difference, bolstering local economic development to attain political achievements, and seeking promotion. Consequently, under the local government-led model, the subjective position of farmers is often underestimated. For instance, the circular issued by the People's Government of Yeji District, Luan City, regarding the "Implementation Measures for Steadily Promoting the Paid Withdrawal of Rural Homesteads in Combination with Comprehensive Regional Land Improvement (Trial)" solely outlines the responsibilities of local government departments, while neglecting the involvement and rights of farmers in the program's execution. The absence of explicit provisions regarding farmers' participation in the pertinent withdrawal policy is a precursor to potential disputes. For example, among the 318 cases examined (excluding criminal cases), there were 122 and 12 disputes under the local government-led model in Anhui and Sichuan, respectively, constituting a combined 42.14%. Conversely, under models led by collective economic organizations or co-led by local governments and village collectives, farmers' engagement is more prominent, thereby minimizing conflicts. Specifically, among the 318 cases (excluding criminal cases), 29 disputes arose in Jiangxi Province, accounting for 9.12%. In Hubei Province, only two disputes occurred, pertaining to the revocation of resettlement and compensation agreements, withdrawal agreements, and controversies surrounding the allocation of compensation inheritance. The market-driven mode promises to enhance farmers' property income and ease the integration of the agricultural transfer population into urban environments. Most conflicts in this model center around resettlement compensation payments and the implementation of the "agricultural to non-permanent resident" policy. For example, in Chongqing and Zhejiang, 56 disputes arose, with 44 of them (78.57%) related to resettlement compensation and the enforcement of the "transferring agriculture to non-permanent ownership" policy.

Participation capacity is a significant determinant that influences the effective engagement of farmers [43]. Given the unique political and ecological context of rural environments, coupled with considerations regarding farmers' literacy skills, it is evident that the general level of farmers' professional education remains low. Consequently, they often lack comprehensive knowledge about their legally granted rights, as well as the necessary skills to uphold these rights. As clearly demonstrated in Table 4, despite farmers' keen awareness of their rights, they often find that their claims are unsupported by judicial authorities.

#### 4.2.2. Incomplete Compensation for the Value of Rural Homesteads

Combined with Figure 6 and Table 5, it becomes evident that farmers' interests in the PWRH encompass both resettlement compensation rights and interests, as well as social security rights and interests. This indicates that the full value of the homestead in China's homestead withdrawal system is not accurately reflected in the compensation provided. Referring to Table 6, it is apparent that the pilot practice of PWRH faces a widespread issue of low compensation standards due to a significant funding gap for homestead withdrawal compensation. Despite attempts by some localities to innovate various methods of compensating farmers for withdrawal, such as the providing village collective resettlement housing, subsidies for purchasing homes in towns, and monetary compensation followed by settlement in towns, these measures have fallen short. They have not adequately considered the potential net welfare loss arising from the decreased ease of living for farmers after withdrawing from their homesteads. Additionally, the reduced sense of well-being and acquisition stemming from the high cost of living in urban areas has not been taken into account.

The free usage of homesteads fulfills a social security role for farmers, providing them with essential needs such as housing and provisions for old age. This represents an incontrovertible and lawful vested interest of farmers. A notable social reality that must be acknowledged during the withdrawal of homesteads is the significant aging of the rural populace. Between 2015 and 2022, the number of individuals aged 65 and above escalated from 14,524 to 20,978, with the old-age dependency ratio surging from 14.3% to 21.8% [57]. Given this rising trend of aging, land-based pension emerges as a pragmatic



solution to address the current state of rural geriatric care. Referring to Table 5, there are 11 instances related to social security benefits, predominantly concerning basic old-age insurance aspects following homestead withdrawal. The rural elderly population maintains a profound attachment to their homesteads, which serve as their fundamental source of residential security. Consequently, the social security interests of this demographic are pivotal for the successful implementation of the homestead withdrawal policy.

The existing compensation for the withdrawal of homesteads is limited in scope, excluding the value-added gains resulting from the development rights of the homesteads. Following withdrawal, a rural homestead is typically allocated for one of two purposes: (1) reclamation as arable land for agricultural use, or (2) reorganization and utilization as construction land for urban development. Motivated by potential benefits, both village collectives and local governments tend to prefer the latter option. In practice, a homestead, through the substitution of urban construction land indicators, is often acquired by the local government in a unified manner, aligned with market mechanisms. Consequently, the asset value of this land, when introduced to the market, becomes significantly enhanced, yielding substantial land value gains. This value appreciation, stemming from the development rights of the homesteads, constitutes a prospective benefit that should accrue to the outgoing farmers. Nevertheless, in the context of resettlement compensation, only the right to use the homestead and the house on it are typically remunerated, while farmers seldom participate in the distribution of land appreciation after the withdrawal of the homestead. This exclusion underscores a significant gap in the existing compensation framework, which fails to adequately address the full range of benefits associated with homestead withdrawal.

## 5. Discussion

### 5.1. Main Findings: The Systematic and Phased Characteristics of the Protection of Farmers' Rights and Interests in the PWRH

The elevated idle rate and suboptimal utilization efficiency of rural homesteads hinder the optimal allocation of land resources and sustainable socio-economic development [58,59]. The essence of the PWRH centers on rejuvenating dormant, vacant, or unused land resources in rural areas is for ultimately enhancing farmers' income and boosting land utilization efficiency.

Previous studies have primarily examined the PWRH within various models, delving into compensation, willingness to withdraw, and the influencing factors thereof [17,18,23,24,40,49,56]. However, this study shifts focus to farmers' satisfaction following the PWRH. Prior research has investigated farmers' satisfaction after rural homestead replacement, focusing on aspects such as public facilities, spiritual outlook, family resource endowment, settlement community, living environment, and resettlement compensation [33–38]. In this study, we adopt a more straightforward and objective approach by assessing farmers' satisfaction and sense of access through the protection of their rights and interests in judicial adjudication. The protection of farmers' rights and interests constitutes a significant aspect of their overall satisfaction. Centering on this satisfaction, farmers' interest claims emerging from judicial decisions offer a vivid and intuitive portrayal of their contentment with the withdrawal policy and its implementation. This study presents a novel perspective on gauging farmers' satisfaction, thereby enriching both theoretical and empirical findings in this domain. Scholars have addressed farmers' rights to information, participation, and subject position [40,42,60], as well as the distribution of value-added gains from homesteads [30,41,61–65]. Based on this foundation, our study provides a comprehensive analysis of farmers' political rights and interests, resettlement compensation rights, social rights and interests, homestead development rights, and legal remedy rights. Previous research has emphasized resettlement compensation as a pivotal factor in the success of rural homestead withdrawal [26,66,67]. However, our findings reveal that withdrawing farmers are equally concerned about their political and social rights and interests. Notably, even within the context of resettlement and compensation, numerous



cases have centered on the recovery of unjust enrichment from resettlement compensation and the allocation of such compensation, particularly in matters of inheritance.

Based on the case analysis of judicial decisions, the protection of farmers' rights and interests during the PWRH must align with the systematic and phased characteristics inherent in the process. Firstly, protecting farmers' rights and interests throughout the three phases of pre-withdrawal, during withdrawal, and post-withdrawal. This protection encompasses various aspects such as political rights, resettlement and compensation rights, social rights, homestead development rights, and legal remedy rights. Collectively, these elements form the core structure for protecting farmers' interests during the PWRH. Secondly, prior to the withdrawal process, farmers tend to show increased attention to their right to participate in shaping the withdrawal policies. This often leads to disputes regarding withdrawal programs and agreements, among other pertinent matters. During the withdrawal stage, resettlement and compensation benefits become a focal point, sparking numerous controversies related to the qualification criteria for resettlement, resettlement standards, and forms of resettlement. This finding echoes previous studies [27,34,66,68]. Unexpectedly, our study also uncovered disputes concerning the return of unjust enrichment and a notable number of conflicts related to the inheritance and distribution of compensation within the context of resettlement and compensation disputes. Moreover, considering the societal realities of rural China, social security benefits, particularly old-age security, carry significant importance. This emphasis has generated several controversies. The withdrawal policy ought to take into account not just the property value for farmers but also the social security value of homesteads, thereby striking a balance between the farmers' immediate and long-term interests. Finally, it is crucial to address the issue of protecting farmers' rights and interests during the withdrawal of rural homesteads at the institutional level. By drawing insights from judicial practices surrounding PWRH, we should establish a comprehensive framework for protecting farmers' rights and interests in this domain. Such a structure will promote the efficient utilization of rural land and enhance farmers' satisfaction and sense of accomplishment.

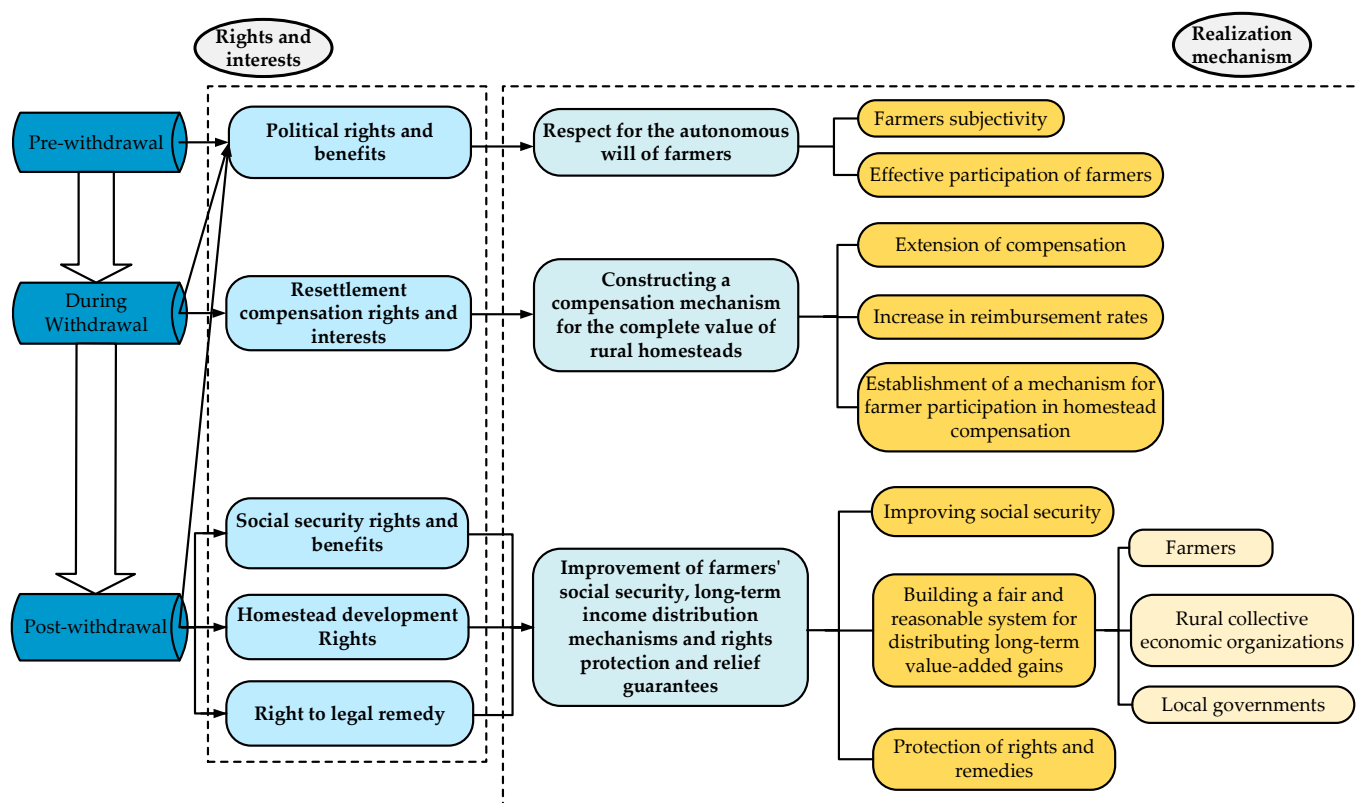
## *5.2. Building a Mechanism for Realizing the Protection of Farmers' Rights and Interests in the PWRH*

The PWRH stands as a pivotal component of the rural homestead reform, directly impacting the rights and interests of farmers. During the implementation phase, it is crucial to maintain a harmonious balance between policy feasibility and the preservation of farmers' rights and interests. To attain this objective, the key lies in the construction of an ideal realization mechanism for the protection of farmers' rights and interests. The autonomous decisions of farmers must be honored, with special emphasis on their resettlement and compensation for the loss of residential and social security values inherent in their homesteads. Following the withdrawal process, farmers must be assured of receiving adequate alternative security measures and participating in the long-term benefits derived from land appreciation. Additionally, they should be equipped with efficient legal remedies to uphold their rights and interests (Figure 8).

### *5.2.1. Pre-Withdrawal: Fully Respecting the Autonomous Status of Farmers*

The right to use the homestead constitutes a usufruct right, falling under the umbrella of private law. As per Article 323 of the Property Rights Section in the Civil Code, "the usufructuary is entitled to possess, use, and reap benefits from immovable or movable property owned by others, in accordance with legal provisions". Farmers retain the liberty to determine whether they wish to relinquish their homestead usage rights and reap the attendant benefits. Even though public authority may intervene in private rights for the greater public good, farmers, as right holders, maintain specific political rights and interests. Farmers are directly impacted stakeholders in the process of PWRH, as this process is intimately linked to their personal interests and survival security. Consequently, farmers undoubtedly have the right to access comprehensive information concerning

the PWRH, and to directly participate in policymaking related to such withdrawal. The formulation of relevant policies should respect farmers' wishes [60] and strengthen their rights to information and oversight [36]. During the PWRH, it is imperative to conduct exhaustive research on pertinent withdrawal strategies and programs. This process should involve listening attentively to farmers' perspectives and promptly communicating details, such as the timeline, scope, resettlement arrangements, and compensation criteria for the withdrawal. Such measures are essential to guarantee farmers' effective engagement and participation.



**Figure 8.** Ideal realization mechanism of farmers' rights and interests guarantee in the PWRH.

### 5.2.2. During Withdrawal: Building a Mechanism to Compensate for the Full Value of Rural Homesteads

Exploring a reasonable compensation mechanism is pivotal to the success of PWRH. Firstly, it is imperative to further refine the homestead compensation system and expand the scope of compensation. When determining the scope of resettlement compensation for the PWRH, it is essential to consider not only the houses and ancillary facilities on the homestead but also the income value derived from the usage rights of the homestead. Secondly, elevating the compensation standard is more likely to encourage farmers to relinquish their homesteads [69]. The withdrawal compensation criteria should be scientifically devised by referencing elements such as land acquisition prices in the district. Moreover, a reasonable assessment of the value of homesteads and rural dwellings is crucial. A scientific evaluation of the value of rural habitations provides the foundation for adequate compensation [70]. Compensation norms for PWRH can be framed based on the “functional value theory of rural homesteads” [24]. In appraising the value of rural homesteads, a comprehensive evaluation of diverse factors influencing homestead value is essential, encompassing both its present worth and the latent value of its development rights. Finally, it is vital to establish a mechanism for farmers’ engagement in homestead compensation. To guarantee equitable and just compensation for farmers withdrawing, their rights to articulate their interests and take part in the process must be preserved. The

government can proactively foster consultation and democracy through public hearings, and if necessary, arrange hearings specifically on the withdrawal price of homesteads.

### 5.2.3. Post-Withdrawal: Improving Farmers' Social Security, Long-Term Income Distribution Mechanisms, and Safeguards for Rights and Remedies

With the introduction of the “three-rights separation” concept, the institutional objective of homesteads has undergone a shift. It has moved from being solely focused on “residence security” to embracing a dual function that includes both “residence security and property value” [16,70]. As a result, the significance of protecting farmers' social rights and interests, as well as the development rights of the homestead, has gained prominence. Firstly, to address farmers' concerns, it is essential to link the rural pension insurance system, medical care, employment, and other long-term sustainable compensations with the homestead withdrawal compensation. Secondly, a fair and equitable long-term revenue distribution system must be established. This involves striking a careful balance between the interests of the government, farmers' collective economic organizations, and individual farmers, ensuring a just distribution among these entities. Rural collective economic organizations and their farmer members should constitute the primary beneficiaries of land value-added income. Farmers deserve to reap the rewards of homestead value appreciation and reap future benefits. Negotiations between rural collective economic organizations and farmers are crucial. Farmers may receive a lump-sum compensation as needed or convert their homestead usage rights into shares, which can then be introduced into the rural construction land market. This allows them to annually share in the proceeds from collective construction land in accordance with market operations. The local government, having invested in the initial planning of homesteads and the subsequent development of supporting facilities, should also have a stake in the distribution of value-added income from the homesteads. However, their share should be commensurate with their investment. Additionally, the government can utilize taxes as a tool to effectively regulate benefit distribution. Finally, the legal recourse and rights of farmers following their withdrawal are paramount. It is imperative to establish a seamless avenue for rights and redress for these farmers. The people's courts can implement a regular notification system for case-related information, such as the number of cases received and closed, case types, group litigation, and trial outcomes. This will facilitate the efficient resolution of related disputes. Furthermore, enhancing the multi-disciplinary dispute resolution mechanism offers farmers a wider range of options to protect their rights and seek redress.

### 5.3. Policy Implications

This study contributes a unique perspective to the existing literature on farmers' satisfaction and access by focusing on the protection of farmers' rights and interests. Specifically, we explore the system designed to safeguard these rights and interests during the PWRH. This comprehensive system encompasses aspects such as political rights, resettlement and compensation, social entitlements, homestead development opportunities, and legal remedies. To illustrate farmers' rights and interests more tangibly in the context of PWRH, we analyzed 324 judicial cases. Our findings reveal distinct stage-specific characteristics in this process. Understandably, farmers express concern regarding their resettlement and compensation rights. However, they also show significant interest in their rights to information and participation prior to withdrawal, as well as their post-withdrawal social security benefits, particularly pension insurance. Furthermore, we found that new problems of distribution of withdrawal compensation payments arose after farmers received resettlement and compensation entitlements. Examining the protection of farmers' rights and interests during homestead withdrawal from the perspective of Chinese modernization bears significant theoretical importance and practical relevance. It prompts us to contemplate institutional-level responses that address these concerns effectively.

From a policymaking perspective, aligning the PWRH policy with the national rural revitalization strategy requires an emphasis on strengthening the mechanism for rural

homestead withdrawal. Concurrently, it is imperative to undertake measures aimed at increasing farmers' satisfaction and perception of gain. With this foundation, our study constructs an institutional framework aimed at protecting farmers' rights and interests during the compensated withdrawal of homesteads process. This framework is grounded in judicial practices pertaining to PWRH. Based on our findings, we offer the following policy recommendations:

Firstly, the core of PWRH lies in constructing a legal system that protects farmers' rights and interests. Given that the protection of rural homestead rights is a significant aspect of farmers' land rights protection, establishing a scientific, fair, and reasonable legal framework for rural homestead withdrawal is essential to preserving farmers' legitimate rights. This involves improving legislation related to rural homestead withdrawal and clearly defining the rights and obligations of the government, farmers' collectives, and individual farmers. Furthermore, withdrawal procedures, income distribution, and legal responsibilities must be precisely outlined.

Secondly, a fair and equitable mechanism for the PWRH needs to be established. Obtaining fair compensation is pivotal for farmers to voluntarily relinquish their homesteads. Farmers must be ensured the right to express their interests and participate in the withdrawal process, emphasizing their welfare. This should be achieved by formulating a reasonable valuation standard for homesteads, considering all aspects of their value, fully compensating farmers, and adopting diverse withdrawal methods tailored to local conditions.

Thirdly, enhancing farmers' social security is vital. Social security measures after PWRH are crucial determinants for a smooth withdrawal process. To effectively revitalize idle rural homesteads in rural areas and encourage farmers to relinquish them, various rural social security mechanisms must be refined. This includes improving social security levels in areas such as rural pension insurance, cooperative healthcare, and minimum living standards. Simultaneously, it is imperative to guarantee farmers' right of residence after withdrawal and ensure that their children enjoy equal education opportunities in towns and cities. To address potential housing insecurities arising from failed business ventures or unemployment in towns, the security of tenure for farmers after withdrawal must also be strengthened.

## 6. Conclusions

### 6.1. Conclusions

As urbanization and industrialization accelerate, numerous issues have surfaced regarding the utilization of rural homesteads. By implementing an efficient framework to safeguard farmers' rights and interests, as well as encouraging voluntary withdrawal from unused homesteads, we can achieve multiple objectives. Not only can we unlock unused resources, but we can also enhance the efficient and intensive use of rural land, thereby improving overall land utilization efficiency. Additionally, this approach has the potential to boost farmers' income and enhance their overall well-being. Through an empirical analysis of 324 judicial decisions, this study reveals that farmers exhibit a strong sense of entitlement during the PWRH. Furthermore, related disputes encompass the entire withdrawal process, highlighting systematic and stage-specific characteristics of farmers' rights and interests.

First are farmers' rights and interests pertaining to the PWRH encompass political, resettlement and compensation, as well as social rights and interests. Together, these elements constitute a comprehensive system aimed at protecting farmers' rights and interests. Notably, the emphasis on specific rights and interests varies depending on the stage of the withdrawal process.

Second are disputes arising prior to withdrawal primarily center around policies, programs, agreements, or resolutions related to the PWRH. This underscores farmers' political interest in staying informed and engaged with the withdrawal policy, reflecting a growing awareness of their subjective status. This observation is further supported by four practical

disputes linked to the disclosure of withdrawal information. Disputes connected to the withdrawal process concentrate on resettlement and compensation benefits, specifically qualification criteria for resettlement and compensation, as well as compensation forms. Our study also uncovered that among resettlement compensation issues, disputes concerning the allocation of compensation funds, particularly those tied to inheritance, are the most widespread. Instances of unjustified compensation gains being reclaimed exist, shedding light on several problems within the PWRH framework and the surfacing of fresh challenges. After withdrawal, focus shifts to alternative social security provision and demolishing old structures to ease new construction, highlighting the homestead's inherent residential and social security worth. Farmers who withdraw primarily choose between settling in cities or staying in rural locales. Hence, withdrawal strategies must take into account farmers' resettlement and compensation needs, emphasizing the homestead's social security significance and its enduring advantages.

Finally, to fully protect the legitimate rights and interests of farmers during the PWRH, it is imperative to establish a mechanism based on relevant judicial practices for the realization of farmers' rights and interests. This mechanism should encompass political rights, resettlement and compensation rights, social rights, homestead development rights, and legal relief rights, which together constitute the core of the farmers' rights protection system. The implementation of this system should prioritize the following key areas: (1) Ensuring farmers' political rights by guaranteeing their rights to information, participation, and oversight. (2) Constructing a comprehensive value compensation mechanism for homesteads, designed to realize farmers' rights and interests in resettlement and compensation. (3) Enhancing the social security system to bolster the social rights and interests of farmers. (4) Guaranteeing farmers' participation in the distribution of value-added income, thus realizing their homestead development rights. (5) Optimizing dispute resolution processes to ensure farmers' access to legal remedies and safeguard their rights and interests. By adopting these measures, we can promote fairness, transparency, and sustainability throughout the process.

### 6.2. Research Limitations

While our study provides valuable insights, it is not without limitations. We have investigated the safeguarding of farmers' rights and interests during the PWRH through judicial decisions, which offer a direct window into the actual rights and interests of farmers. Nevertheless, it is important to acknowledge that certain disputes may not have progressed to the judicial adjudication phase, but were instead settled through mediation or other alternative means. Consequently, our dataset primarily comprises disputes that were not resolved via mediation, thus providing an incomplete picture of the broader issue of farmers' rights and interests protection. In light of this, future research efforts could explore the integration of rural household survey data, village committee survey data, as well as judicial adjudication data, to facilitate a more nuanced and comprehensive analysis.

### 6.3. Directions for Future Research

Firstly, the dominant approach for allocating value-added benefits derived from PWRH is predominantly shaped by the "linking the increase and reduction of urban and rural construction land" policy. However, there is a notable absence of comprehensive planning and coordination in the distribution approach based on administrative divisions, lacking the perspective of regional integration. In future investigations, we aim to examine the disparities in the allocation of value-added gains, as well as the utilization and management of rural homesteads, influenced by variations in resource endowments. This exploration will be conducted through analyzing the interactive relationship between the distribution of value-added gains and the regulation of land spatial planning.

Secondly, with the advancement of new urbanization and urban–rural integration, the issue of aging among the rural population that has been left behind has gained significant importance. Addressing the challenges associated with the PWRH, along with optimizing

rural aging concerns and land utilization, represents a practical necessity for realizing the rural revitalization strategy. Henceforth, emphasis should be placed on ensuring the protection of the rights and interests of the elderly in rural communities during the process of homestead withdrawal.

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## Notes

- <sup>1</sup> Government Work Report 2023. <https://www.gov.cn/zhuanti/2023lhzfzgbg/index.htm?eqid=a2d7d66800005226000000066459ed2a> (accessed on 17 June 2024).
- <sup>2</sup> People's Daily. How to Revitalize 70 Million Unused Farm Houses? <https://baijiahao.baidu.com/s?id=1605375436994340829&wfr=spider&for=pc> (accessed on 9 June 2024).
- <sup>3</sup> The cases documented in the China Judgement and Documentation Network date back to 2012. However, disputes pertaining to the paid withdrawal of rural homesteads only surfaced in 2014. Therefore, the timeframe for selecting the sample in this study spans from 2014 to 2023.
- <sup>4</sup> In this instance, the township people's government lacked the legal authority to devise a compensation and resettlement program for land expropriation. Its creation of such a program exceeded its jurisdiction and, technically, should have been revoked. Nevertheless, given that the land expropriation and demolition processes were nearly finalized, and the majority of farmers had already been resettled and compensated in line with the program, revocation would have resulted in substantial harm to the public interest. Therefore, while the court acknowledged the unlawfulness of the land expropriation program and its supplemental confirmation, it did not revoke them.
- <sup>5</sup> In this case, the court determined that the conduct of the village committee and the villagers' affairs council breached legal provisions and contradicted the essence of the homestead reform pilot project. The court further ordered the township's people's government to promptly commence an administrative investigation, assessing whether the "three deliberations and one vote" process pertaining to the compulsory withdrawal of rural homesteads adhered to the pertinent clauses of the Organic Law of the Village Committee. Additionally, the investigation must evaluate if the village committee properly executed its supervisory duties by investigating and addressing the matter. Upon conclusion of the investigation, the government is required to inform the plaintiff of the findings.
- <sup>6</sup> In this case, the court determined that the county people's government breached legal obligations by neglecting to respond in writing within the prescribed timeframe upon receiving the plaintiff's request for disclosure of government information, and by failing to notify the plaintiff of the methods and avenues to access such information.
- <sup>7</sup> In these cases, the courts determined that despite the household registration remaining unchanged, individuals who had relocated and were no longer permanently residing in the area, nor were members of the village group's collective economic organization, could not be identified as the subjects of resettlement.
- <sup>8</sup> In this case, the court rejected the appeal and affirmed the initial ruling, citing that the appellant's membership status in the village collective economic organization was not deliberated during the village representatives' meeting, thus preventing their recognition as the subject of resettlement.
- <sup>9</sup> In this case, the court has adjudicated that the yard under consideration must be encompassed within the compensation package, as per the unambiguous directives outlined in the Circular of Chongqing Municipality on Matters Pertaining to the Reform



of the Household Registration System in Relation to the Allocation of Rural Homesteads and Ancillary Facilities. The circular explicitly mandates that compensation for agricultural structures, entitlement to rural homestead usage, and allowances for house purchases must all be uniformly computed according to the policy dictating the land premium payable for the entire residential plot, inclusive of land designated for ancillary facilities.

- 10 In this case, the withdrawing farmer requested the court to reconfirm the reclaimed area, but since the Land Resources Management Sub-bureau was not an eligible defendant, the court explained the need to change the defendant in accordance with the law. However, the plaintiff refused to do so, and the court ultimately ruled that the lawsuit should be dismissed.
- 11 In this case, the withdrawing farmer petitioned the villagers' committee to award him a compensation of CNY 50,000 for the trees located in the fruit grove adjacent to his homestead. Upon verifying that the villagers' committee had indeed transferred the agreed compensation for the trees to the withdrawing farmer's account, as per the agreement, the court ultimately dismissed the lawsuit.
- 12 In this case, the court determined that the plaintiff's demand for the defendant to carry out statutory duties should be directed towards the administrative body explicitly assigned such duties by laws, rules, and regulations. Whether the plaintiff referred to the aforementioned regulations, opinions, approval documents, or the "Office of the State Council's guidance notice forwarded to the Development and Reform Commission and the Ministry of Water Resources on further improving the work of the Huaihe River", none of these specified that the county government bears the responsibility for coordinating the resettlement and compensation of residents. Consequently, the court ultimately decided to dismiss the lawsuit.
- 13 In this case, the village committee disbursed the compensation intended for the withdrawal of two households to other villagers, who then failed to transfer the funds to the rightful beneficiaries. This led to a dispute concerning unjust enrichment. The court ultimately sided with the claimants, ordering the return of the unjustly enriched funds.
- 14 In this instance, the local government inadvertently made an operational error during payment processing, leading to an overpayment. Consequently, the court ultimately sided with the local government's petition for the recoupment of unjust enrichment.

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