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Research on the lack of legal authority in China's rural governance

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Summary: 1. Introduction. 2. Related theories and concepts. 3. Governance authority in rural management in China. 3.1. Diversification of rural governance entities. 3.2. Diversification of rural governance methods. 3.3. Diversification of rural governance models. 4. Reasons for the lack of legal authority in rural areas. 4.1. Insufficient legal creation. 4.2. Misconduct in legal operation. 5. Strategies for building authoritative rule of law in rural areas. 5.1. Improving legal creation. 5.2. Cultivating legal consciousness. 5.3. Promote village autonomy. 6. Conclusion. 7. References.

Abstract: The authority of village level governance in China is undergoing a process of transition from traditional authority to rule of law authority, with significant changes in governance subjects, methods, and models. To build the authority of the rule of law in rural areas, it is necessary to cultivate public respect for and belief in the law, thereby internalizing the concept of legal authority. Therefore, multiple channels are needed to jointly build the authority of rural rule of law and promote the further

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realization of the goal of rural rule of law spirit. This article analyzes the current situation of the rule of law authority in rural China, understands the main reasons for the chaotic structure and mechanism of rural authority, and analyzes the reasons for the lack of rural rule of law authority from three aspects: legal creation, legal operation, and legal popularization. Finally, it sorts out what methods should be taken to build rural rule of law authority from three aspects: policy and regulations, village autonomy, and legal consciousness.

Keywords: Rural Governance, Governance Model, Legal Authority, Policy Recommendations.

1. Introduction

In China's grassroots governance system, village-level governance, as the most direct with villagers, is crucial for establishing the authority of the rule of law. However, the lack of rule of law authority in current village-level governance is a significant and empirically observed issue, which has brought many adverse effects on the stable development of rural areas and the improvement of grassroots governance efficiency.

Firstly, the conflicts between village-level rules and regulations and national laws that have not been effectively corrected are an important manifestation of the lack of the authority of the rule of law. Some village regulations and conventions formulated by villages, due to the lack of professional legal guidance and strict review procedures, contain contents that conflict with national laws and regulations.³ But in actual implementation, these unreasonable village regulations and conventions are used as the basis for governance, which not only undermines the unity and seriousness of the law, but also makes villagers question the authority of the law.

Secondly, at the level of village cadres, some village cadres have a weak concept of the rule of law and insufficient legal consciousness and ability to handle affairs in accordance with the law, making it difficult for the authority of the rule of law to be manifested in village-level governance.⁴ Some village cadres ignore the provisions of laws and regulations in the decision-making process and make decisions based solely on personal experience, subjective will, or the interests of a few people. Some village cadres even use their powers to evade legal constraints, and there are even acts of seeking personal gain through power and violating laws and disciplines. This weakens the restrictive role of the law in village-level governance, reduces villagers' trust in village cadres, and further affects their recognition of the entire legal system.

Finally, from the perspective of villagers, the lack of the authority of the rule of law is reflected in villagers' weak legal consciousness and low trust in the law. When their own rights and interests are infringed, many villagers lack the consciousness and action to safeguard their rights through legal channels, and are more inclined to rely on clan forces, human relationships, or traditional customs to solve problems.⁵ Behind this phenomenon, it reflects that the law has not established sufficient authority in the minds of villagers, and the functions of the law such as guidance, evaluation, prediction, education, and coercion have not been effectively exerted.

It can be seen that the lack of the authority of the rule of law in the process of

³ Yuan, S. (2024). Research On the Legal Legitimacy and Current Situation of Village Regulations from The Perspective of Legal Pluralism. *Journal of Education, Humanities and Social Sciences*, 35, 448–458. <https://doi.org/10.54097/vdejr509>

⁴ Bao, Y., Li, Y., Li, Q., Si, X., Xu, J. (2025). Study on the Work Succession Mechanism of Village-Stationed Cadres in Rural Revitalization: A Field Survey in X County. *Advances in Economics and Management Research*, 14(1), 210. <https://doi.org/10.56028/aemr.14.1.210.2025>

⁵ Wang, X., Mohamed Yusof, N. A., Salleh, S. H. (2024). Towards a Conceptual Framework for Understanding the Protection of Farmers' Land Rights in China. *Open International Journal of Informatics*, 12(1), 88–95. <https://doi.org/10.11113/oiji2024.12n1.261>

village-level governance will trigger a series of adverse consequences. It will make it difficult to resolve village-level contradictions and disputes fairly and effectively, easily lead to petition issues and mass incidents, and affect the harmony and stability of rural areas. At the same time, it will also weaken the credibility of grassroots political power, hinder the healthy development of the rural economy and society, and is not conducive to the smooth implementation of the rural revitalization strategy. Therefore, reshaping the authority of the rule of law in village-level governance is an important and urgent task in current grassroots governance work.

2. Related theories and concepts

The legal definition of "rural areas" in the Law of the People's Republic of China on the Promotion of Rural Revitalization is: "Rural areas refer to territorial complexes outside urban built-up areas that have natural, social, and economic characteristics as well as multiple functions such as production, living, ecology, and culture, including towns, villages, and so on."⁶ Mr. Fei Xiaotong made a theoretical summary of the social structure and interpersonal relationships in traditional Chinese rural society. He proposed that Chinese rural society is a society with a "differential mode of association". This kind of society is not mainly established through laws or explicit rules and regulations, but is established and guaranteed through habits or traditions. The trust in rural society does not come from the emphasis on contracts, but from the reliability that arises when people are so familiar with the rules of a certain behavior that they follow them without hesitation.⁷

Currently, the relationship between the state and rural areas is showing new characteristics: on the one hand, township governments are undertaking multiple tasks such as rural revitalization and social stability, and are facing an imbalance between powers and responsibilities; on the other hand, the autonomy of villager self-governance is insufficient, and phenomena such as "strongman governing villages" or "weak and lax governance" have emerged in some villages, which reflects the tension between state administrative intervention and endogenous rural governance. Therefore, the state strives to build a rural governance system with Chinese characteristics through comprehensive arrangements, realize the effective sinking of state power and will in a rule-of-law manner, achieve control over rural areas, and promote the modernization of rural governance.⁸

The authority of the rule of law means that the rule of law has a supreme and noble position and dominant role in national and social life. Xie Pengcheng proposes that only when the public generally supports the internal persuasiveness and external coercive power of the law, can it be considered that a complete legal authority has been established in the current society.⁹ That is to say, people's obedience and high respect for the law are the most direct manifestation of the authority of the rule of law. Qiao Keyu and Gao Qicai propose that the authority of the rule of law is supreme,

⁶ Zibi, C. P. (2025). Legal Practice of Rural Revitalization in China. *Khwopa Journal*, 7(1), 204-214. <https://doi.org/10.3126/kjour.v7i1.80476>

⁷ Cao Xiaofeng. (2024). "Local Culture" and "Contract": A New Pattern of Rural Social Governance from the Perspective of Chinese-Style Modernization. *Journal of Xichang University (Social Science Edition)*, 36(05), 79-88. <https://doi.org/10.16104/j.issn.1673-1883.2024.05.010>

⁸ Gao Qicai, Zhang Hua. (2022). The dual approaches to rural rule of law construction and their integration. *Tsinghua Law Review*, 16(06), 42-63. https://kns.cnki.net/kcms2/article/abstract?v=9oehDy4zW5Y7NoMu40Ibcf0rpk7Cg6-9JJAAkX6e_In5s18vxPoyliu32LE5EAU0OGq9bbhZwya0DrXbbGdmWpopVOb0huw9X3s8VLAFCzk_ZAszTiYevWtbo8H-IKEcrx8ylxViVtFhe_gzZxP81h8ydoBRSQsSsrTzJscqoco=&uniplatform=NZKPT (accessed on 25 May 2025).

⁹ Xie Pengcheng. (1995). "On the Legal Authority in Contemporary China: Reflections and Explorations on the Process of the Rule of Law in New China". *China Legal Science*, (06), 4-14. <https://link.cnki.net/doi/10.14111/j.cnki.zgfx.1995.06.001>

absolute, and trustworthy.¹⁰ This means that the authority of the rule of law emphasizes the supreme role of law in national governance and its inviolability. No organization or individual shall have privileges beyond the Constitution and laws. Although the authority of the rule of law can be reflected through the enforcement of the law, with the continuous development of democratic politics and the deepening of human rights concepts, people's support, understanding, and conviction of the law have taken on an increasingly important role in the manifestation of the authority of the rule of law.

The authority of the rule of law can be conceptualized as a relationship between the exerciser of will (the state) and the subjects of that will (the populace), where dominance is a key manifestation.¹¹ The authority of the rule of law emphasizes the master-slave relationship, namely "domination obedience". In this relationship, the supporting party is the subject of authority, and the obedient party is the broad masses of society. The authority of the rule of law is achieved through its own prestige and credibility. At the same time, the formula and the obedience formula interact and influence each other. The support formula needs to gain strength from people's voluntary obedience and recognition, so as to have strong dominance and influence, in order for the will of the support formula to be truly implemented. The main purpose of the authority of the rule of law is to establish a complete legal mechanism and system throughout society, and to achieve a relationship of obedience and unity among social subjects.¹² That is to say, only by establishing a systematic legal authority throughout society can we ensure social stability and development, and enable more people to make free choices that are beneficial to themselves.

The authority of the rule of law stems from the "Rule of Recognition," which refers to the consensus among members of society on the validity of the legal system. H.L.A. Hart put forward the distinction between "primary rules" (which directly regulate behavior) and "secondary rules" (which stipulate the procedures for formulating and amending rules), emphasizing the self-consistency of the legal system. If the "Rule of Recognition" is not internalized by society, the law may degenerate into a "rule on paper," as is the case with the phenomenon of "having laws but not abiding by them" in some rural areas. Weber argued that the authority of the rule of law in modern society needs to overcome the inertia of traditional authority, and the existence of traditional authority is prone to lead to the situation where "human relationships take precedence over the law." John Griffiths proposed that the establishment of the authority of the rule of law requires coordinating the relationships between different norms, and informal norms may conflict with national laws. Lon Fuller held that the authority of law depends not only on formal legality but also on conformity to "inner morality" (such as openness and consistency). Fuller argued that if the law violates basic morality, it will lose its authority.

The authority of the rule of law includes legislative authority, law enforcement authority, and judicial authority. The authority of the rule of law is achieved through legislative decisions, law enforcement actions, and judicial actions, with legislative authority being a prerequisite. Without authoritative legislative decisions, the laws formulated will lack public recognition, and people will not obey them.¹³ Law

¹⁰ Qiao Keyu, Gao Qicai. (1997). "An Outline on the Authority of Law—The Basic Conceptual Basis for Ruling the Country by Law". *Legal Business Studies (Journal of Zhongnan Institute of Politics and Law)*, (02), 9-12. <https://link.cnki.net/doi/10.16390/j.cnki.issn1672-0393.1997.02.002>

¹¹ Shiner, R. A. (1989). Law and Authority. *Canadian Journal of Law & Jurisprudence*, 2(1), 3-18. <https://doi.org/10.1017/S084182090000093X>

¹² Parsons. (1998). "Structure and Process of Modern Society" [M]. Translated by Liang Xiangyang. Beijing: Guangming Daily Press, 1998: 157. <https://zhuanlan.zhihu.com/p/972889044> (accessed on 25 May 2025).

¹³ Allan, T. R. (1985). Legislative supremacy and the rule of law: democracy and constitutionalism. *The Cambridge Law Journal*, 44(1), 111-143.

enforcement authority is the core. As administrative law enforcement activities involve various aspects of people's social life, without authoritative law enforcement actions, it will inevitably lead to chaos in the entire social order; Judicial authority is a guarantee. Without judicial authority, people will not seek justice in fairness and justice, which will lead to the collapse of the entire political order.¹⁴ Of course, in order to achieve the authority of the rule of law, the state's public power cannot arbitrarily cross legal boundaries, otherwise the authority of the rule of law will be meaningless. Reshaping the authority of the rule of law in rural areas cannot be achieved through a single top-down approach, but requires multiple channels and full utilization of various methods such as morality, etiquette, and customs.¹⁵ Of course, the law has gained the highest authority in governance due to its normative elements such as command and compulsion, and other governance methods that conflict with the law cannot achieve the appearance of legitimacy.

3. Governance authority in rural management in China

As unemployment in rural areas of China is increasing year by year, gambling and unhealthy "entertainment" styles are prevailing in the countryside.¹⁶ There is a widespread tendency of "immediate consumption" in rural areas, with problems such as extravagant wedding and funeral arrangements, social obligations debts, and the lack of filial piety being prominent.¹⁷ Moreover, violent infringement incidents occur frequently in rural areas, but farmers' willingness to protect their rights through legal means is not strong, and their trust in the law is also declining. 62% of farmers choose to "ask acquaintances to mediate" or "resort to violence" when their rights are infringed.¹⁸ Additionally, the overall quality of the rural population is generally low, rural areas are hollowing out, and there is a significant outflow of population. These are all unique problems in rural China.¹⁹ Of course, China is vast, with many different rural areas, so the problems existing among different rural areas also vary.

3.1. Diversification of rural governance entities

In recent years, the government has introduced a series of policies on rural structural changes, such as the merger of townships and administrative village restructuring, which have led to changes in the main body of rural governance. In the past, the traditional approach of single social governance subject was adopted, but now the governance subject has become diverse. The characteristic of China's administrative system is generally the unilateral governance model of the state, in

<https://doi.org/10.1017/S0008197300114461>

¹⁴ Tew, Y. (2024). Strategic judicial empowerment. *The American Journal of Comparative Law*, 72(1), 170-234. <https://doi.org/10.1093/ajcl/avad040>

¹⁵ Tyler, T. R. (2023). Whither Legitimacy? Legal Authority in the Twenty-First Century. *Annual Review of Law and Social Science*, 19(1), 1-17. <https://doi.org/10.1146/annurev-lawsocsci-110722-074236>

¹⁶ Zhang, J., & Huang, Y. (2018). Governance Path of Rural Gambling Prevailing in the Context of Rural Revitalization Strategy. *Proceedings of the 2018 2nd International Conference on Management, Education and Social Science (ICMESS 2018)*. 2018 2nd International Conference on Management, Education and Social Science (ICMESS 2018). <https://doi.org/10.2991/icmess-18.2018.358>

¹⁷ Xu Ting. (2024, December 4). "Strengthening the Anti-Gambling Defense in Rural Areas to Create a Stable Public Security Environment". *People's Public Security News*, p. 001. <https://link.cnki.net/doi/10.28651/n.cnki.nrmga.2024.008141>

¹⁸ Tumini, T. (2023). Building Legal Awareness: Solutions to Land Disputes and Family Harmony. *TGO Journal of Community Development*, 1(2), 59-64. <https://doi.org/10.56070/jcd.2023.010>

¹⁹ Shi, Z., Ma, L., Li, Z., Wu, S., & Chen, X. (2024). Exploring the Multidimensional Hollowing of Rural Areas in China's Loess Hilly Region from the Perspective of "Population Outflow." *Applied Spatial Analysis and Policy*, 18(1). <https://doi.org/10.1007/s12061-024-09623-5>

which the government is responsible for managing social affairs on behalf of the state. In this model, the state continuously strengthens its control over rural areas through the exercise of administrative power.²⁰ Township governments are not only the main implementers of rural governance, but also the grassroots implementers of national political power. The township party committee also has two roles: it is the core of rural governance leadership and an important role in power coordination. The village committee is not only a village autonomous organization, but also an assistant to the township government.²¹ And grassroots judicial organs are helpers in rural governance. Different rural governance entities adopt various methods to compete for the management of village public affairs in order to achieve their respective maximum interests. For example, there is a competition between township party committees, rural executive agencies, and township governments over the management rights of rural areas; For example, township governments and village committees as autonomous organizations compete for autonomy, This kind of "power struggle" is weakening the overall governance effectiveness.²²

3.2. Diversification of rural governance methods

The main governance model of the current rule of law in rural areas is to adopt a combination of autonomy, moral governance, and the rule of law, and requires that the rule of law is the foundation. Autonomy and moral governance must be carried out within the framework of the law. Only in this way can a rule of law village be built that is autonomous and governed by law and morality. Rural governance is not only about village self governance, but also needs to be combined with government rule of law. Rural governance includes both township governance and village level governance. When political power sinks to the village level, due to factors such as clan power and elite class obstruction within the village, the end of the national political system falls to the township level, and the rule of law construction in rural areas is also promoted through township governments. Therefore, the core of village level governance is village autonomy.²³ The process of village autonomy also requires the intervention and protection of the state and the law, and the legal basis for village autonomy is the Village Committee Organization Law.²⁴ Government rule of law and village autonomy are two governance forces in the process of rural governance, and they are not in conflict. The legalization of rural governance needs to be carried out within the framework of the rule of law, promoting the legalization of rural governance while ensuring the realization of individual rights of villagers.

3.3. Diversification of rural governance models

In the past few thousand years of rural social governance in China, the national government has relied on the power of the gentry class to govern the countryside. They are not only respected and trusted by local rural residents, but also highly recognized by the national authorities. They mainly control the behavior of rural residents through moral governance. At that time, the authority of the gentry class and the political power of the state were in harmony and inseparable. In the era of

²⁰ Zhang, J. (2025). Issues in Rural Governance. In: Primary-Level Government. Palgrave Macmillan, Singapore. https://doi.org/10.1007/978-981-96-6209-8_10

²¹ Fu, Z. (2025). The Impact of Power Centralization on Village Self-Governance. Asian Survey, 1–37. <https://doi.org/10.1525/as.2025.2699059>

²² Wei, T. (2024). The Practical Forms and Challenges of Administrative Governance at the Village Level. Journal of Social Science and Humanities, 6(12), 64–68. [https://doi.org/10.53469/jssh.2024.6\(12\).14](https://doi.org/10.53469/jssh.2024.6(12).14)

²³ Ibid.

²⁴ Tang Xianhui. (2022). "A Study on the Judicial Application of the Organic Law of the Villagers' Committees" (Master's thesis, Guangxi University). Master. <https://link.cnki.net/doi/10.27034/d.cnki.ggxix.2022.001454>

planned economy, people's communes became the main functional department for the state to control rural areas. After the implementation of the people's commune system, the authority of the state and the ruling party in the minds of rural residents is very high. Because the farmers at that time firmly proposed that the people's communes could lead them to achieve common prosperity, the people's communes could directly intervene in the daily lives of rural residents, from political life to economic and cultural activities, and the state could maximize the potential of various resources in rural society. At that time, farmers did not need to have legal consciousness, and conflicts and disputes in daily life were resolved by local governments.²⁵ With the continuous deepening of reform and opening up, the previous governance model has gradually disintegrated, and village committees have become village level autonomous institutions. Government power has gradually withdrawn from rural areas. However, rural areas cannot carry out governance work solely on their own because they have not yet formed a strong governance authority, similar to the moral authority of gentry or the authority of people's communes.²⁶ At present, in the context of pluralistic governance and pluralistic co governance, it is worth considering how to highlight the linkage between self governance and state intervention (rule of law authority).

4. Reasons for the lack of legal authority in rural areas

The lack of authority in the rule of law is influenced by multiple dimensions including norms, facts, and values. In terms of standardization, it mainly involves rural legislative issues and grassroots legal system issues. In terms of facts, it involves the insufficient factual conditions for the authority of the rule of law and the situation of legal normative authority in specific practice. In terms of value, it is manifested in issues such as the lack of legal awareness, legal education, and corresponding supporting facilities.

4.1. Insufficient legal creation

Firstly, there is a certain degree of stagnation and deficiency in agricultural legislation. In the early days of the founding of the People's Republic of China, there was a lack of rural laws, and legislation related to agriculture remained stagnant for a long time. Before the reform and opening up, there were only a few specialized agricultural laws in China. After the reform and opening up, the number of agricultural laws in China began to increase, and a relatively complete agricultural legal system was gradually constructed, but there are still many shortcomings.²⁷ For example, the legislative level related to agriculture is not high, and the authority of the rule of law is insufficient. In the process of rural governance in China, policy regulations or departmental rules are generally formulated, and their levels are relatively low. Meanwhile, the frequent occurrence of duplicate legislation greatly undermines the unity of the rule of law. Secondly, legislation only focuses on the macro level management system of the country and neglects other aspects. For example, the most important function of the Agricultural Law is actually to ensure the basic management system of agriculture. Although Chapter 9 of the law mentions that

²⁵ Ji, F. (2024). The Legal Positioning of Rural Collective Economic Organizations: History and Value. *Mod. L. Rsch.*, 5, 80. <https://doi.org/10.37420/j.mir.2024.008>

²⁶ Li Panda & Kou Guangcai. (2023). "A Study on the Changes of China's Rural Social Structure Since the Founding of the People's Republic of China". *Journal of Fuyang Normal University (Social Science Edition)*, (04), 116-125. <https://link.cnki.net/doi/10.14096/j.cnki.cn34-1333/c.2023.04.18>

²⁷ Zhang Yan, Yu Kuan. (2024). "Improvement of Agricultural and Rural Legislation from the Perspective of Domain Law". *Journal of Huazhong Agricultural University (Social Sciences Edition)*, (06), 201-212. <https://link.cnki.net/doi/10.13300/j.cnki.hnwkxb.2024.06.017>

relevant judicial organs should provide legal assistance to farmers when their rights and interests are violated, it does not mention specific solutions.²⁸ Meanwhile, most of the official policy documents are not intended to protect the realization of farmers' autonomy rights, but to restrict the interests of citizens, and their effectiveness is controversial. Finally, the practicality and pertinence of agricultural regulations are poor. For example, there are many problems such as the lack of a clear accountability system and clear relief methods in the Organic Law of Village Committees, the lack of democratic supervision and internal constraints on village autonomy, and the narrow scope of judicial relief cases.²⁹ When the law fails to provide solutions to rural disputes, villagers naturally turn to traditional authorities such as clan elders and rural sages, and legal-rational authority consequently loses its dominant role in governance. This confirms Waters' judgment that "a vacuum of authority will inevitably lead to the rise of alternative authority."

Secondly, the protection of farmers' rights and interests is insufficient. At the beginning, the country proposed that industry was a priority for development and invested most of its resources in cities, leading to uneven urban-rural development. Afterwards, the government introduced an adjustment policy, which aimed to develop the agricultural economy with industry as the mainstay and agriculture as the foundation. This policy has not yet narrowed the gap between urban and rural development. The treatment of rural residents differs greatly from that of urban residents, and farmers' economic equality rights are deprived. The funds allocated by the national finance to rural construction are very limited, and the state monopolizes the trading of tobacco products (high profit products). These policies and guidelines greatly restricts farmers' independent trading rights.³⁰ In addition, farmers' political participation is influenced by various factors, such as regional location, subject quality, and development level, which can affect their right to participate in politics. This indicates that the current laws are not sufficiently comprehensive in terms of the rights and obligations enjoyed by villagers when participating in political activities; At the same time, the public is not very aware of their rights and does not know how to express their demands. Especially for rural children who work in cities, their right to education has not been protected, and they cannot enjoy the same right to education as urban children. The school they attend has poorer teaching quality and school environment. And there is also a certain gap in the medical insurance enjoyed when seeking medical treatment for illness.

Once again, the implementation space of folk law is limited. Legal formulation has not provided an institutionalized path for the transformation of folk norms. The current legislation in China places too much emphasis on the subject status of legislators and does not pay enough attention to the actual social life. Folk law has not received the attention it deserves, and some excellent traditional cultural concepts and values that can still play a role in today's society have been ignored, resulting in a lack of timeliness and targeted legislation for rural society. In addition, the aging of rural society and the problem of left behind children in China are serious, and they find

²⁸ Wu Weihua. (2024, September 10). "Report of the Law Enforcement Inspection Group of the Standing Committee of the National People's Congress on Inspecting the Implementation of the Agricultural Law of the People's Republic of China-Delivered at the 11th Meeting of the Standing Committee of the 14th National People's Congress on September 10, 2024". Gazette of the Standing Committee of the National People's Congress of the People's Republic of China. http://www.npc.gov.cn/npc/c1773/c1849/c6680/nyzfjc/nyzfjc008/202409/t20240914_439674.html (accessed on 25 May 2025).

²⁹ Baskoro, A. (2025). Strengthening Good Village Governance Strategy: Transparency, Accountability, and Inclusive Rural Development. *Bestuurskunde: Journal of Governmental Studies*, 5(1), 39-50. <https://doi.org/10.53013/bestuurskunde.5.1.39-50>

³⁰ Pan Sun, zhuan Ge, Ziyi Yuan, Yuqi Lu.(2024). Rural revitalization mechanism based on spatial governance in China: A perspective on development rights.Habitat International.Volume 147. <https://doi.org/10.1016/j.habitatint.2024.103068>

it difficult to accept complex and difficult to understand legal provisions; Moreover, farmers are unwilling to resort to the law when faced with disputes. From an economic perspective, the small claims system is not yet widespread in some parts of China, and using legal means to resolve disputes requires a high time and economic cost. From the perspective of interpersonal relationships, rural areas are a society of acquaintances, and litigation can damage the harmony between both parties. Instead, disputes are mediated by rural elites such as the gentry class. It will neither create an awkward situation nor incur additional economic expenses.

4.2. Misconduct in legal operation

Firstly, the shortcomings of rural justice. At present, the credibility of the judiciary in rural areas of China is continuously declining, and the authority of the rule of law is becoming increasingly low. In the current judicial management system in China, the lowest level of functional departments such as public security, procuratorate, and judiciary is only set up at the county level. Although China has set up dispatched courts in township courts and police stations in public security organs, the number is very limited, which makes it difficult for villagers to efficiently and conveniently enjoy high-quality legal services. This also increases the dependence of grassroots judicial organs on local governments, which is not conducive to judicial independence, excessive concentration of government power, and the construction of a rule of law authority mechanism in rural society. This weakens the authority of rural rule of law, the integrity of the judiciary is insufficient, and the discretionary power in the judicial process is too great, reducing people's expectations of the law.³¹ Some judicial organs and judicial personnel are blinded by greed, do not act impartially, and tarnish the image of the judiciary nationwide. The cases of violent attacks such as the murder of Judge Wang Jiajia in Henan in August 2024, the murder of a retired judge in Guangxi in 2023, the murder of Judge Zhou Chunmei in Changsha in 2021, and the murder of Judge Hao Jian in Harbin in 2020 all reflect the extreme lack of trust of a small part of the public in the judicial organs.³²

Secondly, the misconduct of rural law enforcement. In practice, a small number of grassroots governments excessively pursue self-interest, wander within legal boundaries, and even go beyond legal boundaries, resulting in discounted implementation of policies and laws. In some local governments, some officials even monopolize the situation, hindering the way for the majority of farmers to reflect their true demands.³³ Grassroots governments often use "policies to replace laws" to fill governance gaps, and expand their discretionary power by implementing local policies. Moreover, some grassroots cadres, in the process of handling the conversion of farmers' agricultural household registration to non-agricultural household registration, illegally collect unreasonable fees. The phenomenon of "exchanging money for household registration" is widespread, leading villagers to form the perception that "laws are inferior to policies, and policies are inferior to leaders". This essentially constitutes a substitutive erosion of legal authority by administrative authority,

³¹ Liu Xingyu. (2024). "A study on people's courts serving the judicial needs of the people under the background of rural revitalization—Taking the People's Court of H District, C City as a sample". *Local Practices of Comprehensively Promoting the Rule of Law* (2022 Volume) (p.762-781). Civil Division One of the People's Court of Hechuan District, Chongqing Municipality. <https://link.cnki.net/doi/10.26914/c.cnkihy.2024.017088>

³² Wang, M. (2025, July). Chinese-style Judicial Modernization and Social Governance Modernization. In 2025 11th International Conference on Humanities and Social Science Research (ICHSSR 2025) (pp. 756-766). Atlantis Press. https://doi.org/10.2991/978-2-38476-440-2_86

³³ Chen Hao. (2024). "A study on the legalization of power operation of township governments in rural governance". (Doctoral dissertation, Hebei Normal University). Doctoral dissertation. <https://link.cnki.net/doi/10.27110/d.cnki.ghsfu.2024.000005>

undermining the mechanism of multi-authority synergy emphasized by Malcolm Waters. For example, entrapment enforcement, where an officer induces a person to commit a crime they otherwise would not have.³⁴ From the exposed law enforcement administrative actions in recent years, it can be seen that there are due process loopholes in China's administrative law enforcement process. China's legal system in this regard is still incomplete and has not yet formed a complete procedural law.³⁵ Due to the incomplete legal supervision procedures in rural areas, malpractices in law enforcement occur repeatedly in rural areas. For example, the issue of selective law enforcement is also very serious. Some grassroots law enforcers fail to fully enforce national laws and adopt an attitude of incomplete or even non enforcement, which greatly damages the completeness of Chinese laws and the interests of the people.³⁶ For example, the Environmental Protection Law clearly stipulates that before carrying out any construction project, an environmental assessment must be conducted and an environmental impact assessment report must be issued. However, some local governments, in order to pursue political achievements, allow some construction units to start construction without completed the procedures, which leads to a disconnect between legislation and practice, making it impossible for the law to be implemented.³⁷

Thirdly, the effect of popularizing law is not satisfactory, and farmers still trust traditional customs. On the one hand, there is a tendency towards formalism and instrumentalization in the practice of popularizing law. In the past, the work of popularizing law mostly adopted a "one-way indoctrination" model, focusing on the reading and posting of legal provisions while neglecting the interpretation of the spirit of the law and situational legal experiences. This "knowledge of law" oriented popularization of law failed to answer the questions that villagers cared about most, and thus could not be deeply rooted in their hearts. From the large-scale criminal legal publicity campaign of "handing over the law to a billion people" initiated by the Ministry of Justice in the early days of reform and opening up to the 19th National Congress of the Communist Party of China's statement that "we should further intensify the popularization of law among all citizens and build a complete socialist legal culture, " and the establishment of a legal popularization and law-abiding deliberative body, the state has carried out a large number of law-delivery activities in rural areas. However, in these activities, whether it is the government power organs or judicial organs at all levels, they only emphasize the idea that villagers should abide by their obligations, ignoring the cultivation of farmers' rights, which leads to a lack of legal faith among farmers. Moreover, most of the law popularization activities are merely distributing compilations of legal provisions to villagers, and the formality of the law-delivery activities in rural areas is too strong.³⁸ On the other hand, rural society adheres to the way of rule by custom, and the concept of "disliking litigation and fearing law" is deeply rooted in rural areas. As an external universal knowledge, national law, although it has coerciveness, is difficult to replace the cultural

³⁴ Zhang Haiyan, Yuan Huimin. (2021). "On Due Legal Process in Administrative Law Enforcement—A Case Study of 'Entrapment Enforcement'". *Modern Business Trade Industry*, 42(20), 126-127. <https://link.cnki.net/doi/10.19311/j.cnki.1672-3198.2021.20.061>

³⁵ Ni Peng, Yang Fenghe. (2024). "Legitimacy and Justifiability: Practical Application of Due Process in Comprehensive Administrative Law Enforcement". *Journal of Kunming University of Science and Technology (Social Sciences Edition)*, 24(02), 1-9. <https://link.cnki.net/doi/10.16112/j.cnki.53-1160/c.2024.02.211>

³⁶ Yuquan Chai, Julie Ann U. Abellera. (2024). "A Study on the Factors Influencing the Job Satisfaction of Village Cadres in the Context of Rural Revitalization.Management, 7(1)".

³⁷ Lu Siyao. (2023). "On the problems of selective law enforcement and its governance". (Master's thesis, Zhongnan University of Economics and Law). Master's thesis. <https://link.cnki.net/doi/10.27660/d.cnki.gzczu.2023.000579>

³⁸ Wei, W. (2024). A Study on the Path of Rule of Law in Rural Governance. *International Journal of Frontiers in Sociology*, 6(7). <https://doi.org/10.25236/IJFS.2024.060701>

significance contained in traditional norms in the short term. Parsons' social system theory points out that the cultural system has a self-maintaining "pattern variable". When there is tension between external institutions and existing cultural codes, society will maintain the existence of traditional elements through "structural resistance". At the same time, the law shows the characteristics of "high cost and low benefit" in resolving grassroots disputes-villagers may need to spend several days traveling to the county court, while disputes can be resolved on the same day through mediation by village elders. Therefore, when people have disputes and conflicts, they are more willing to resolve them through traditional methods rather than seeking legal help. Even under the promotion of modern law popularization, the public's distrust of the law has not been completely eliminated. Some groups regard litigation as an extreme means of "destroying relationships", and this mentality makes it difficult for villagers to quickly establish a sense of legal identity.

5. Strategies for building authoritative rule of law in rural areas

The construction of rural legal authority is not merely about replacing traditional authority with legal-rational authority, but rather about achieving a deep adaptation of legal-rational authority to the rural society, transforming the rule of law from "institutional text" into "lifestyle logic". Therefore, researchers suggest the following aspects:

5.1. Improving legal creation

Firstly, strengthen legislation related to agriculture. The key connotation of promoting legal governance in rural society and establishing the authority of the rule of law is to improve relevant agricultural laws and regulations.³⁹ Firstly, establish a comprehensive legislative system and operational mechanism related to agriculture, forming a system architecture with the Agricultural Law as the core and relevant laws and regulations as branches, refining the rules for the operation of rural markets, issuing relevant regulations for responding to natural disasters, and formulating laws and regulations related to the development of rural industries. Secondly, we should attach importance to the protection of villagers' rights and interests, abolish relevant regulations that infringe on farmers' interests, and strengthen the practicality of laws and regulations. In addition, legal provisions related to agriculture should be easy to understand, and legislation related to agriculture should fully respect the subject status of farmers. The legislative body should go deep into the grassroots to understand the real situation in rural areas, appropriately draw on the positive content of traditional rural rules and customs, and bring the law closer to the farmers.

Secondly, standardize the implementation of laws. To exercise administrative power legally, administrative agencies must be fair in their procedures. For example, administrative agencies strictly abide by legal provisions, carry out various approval, licensing, and law enforcement activities, improve the efficiency of administrative agencies, and limit their discretionary power. At the same time, it is also important to establish a good judicial authority. The quality of judicial authority precisely reflects the degree of social rule of law authority. At present, there are still phenomena of judicial injustice and lack of judicial independence in China, leading to poor judicial authority. Achieving judicial independence mainly includes realizing judicial power independence and judicial officer independence. However, in practice, it is difficult for Chinese judicial organs not to be influenced by other factors, such as certain leaders giving instructions on cases through approval letters, or individual political and legal

³⁹ Zhang Yan, Yu Kuan. (2024). "Improvement of agricultural and rural legislation from the perspective of domain jurisprudence". *Journal of Huazhong Agricultural University (Social Sciences Edition)*, (06), 201-212.
<https://link.cnki.net/doi/10.13300/j.cnki.hnwkxb.2024.06.017>

committees coordinating case handling in name, but in reality intervening in them. Therefore, these practical challenges highlight the pressing need for continued judicial system reform.⁴⁰ We need to implement the professionalization reform of the judiciary, establish a reasonable talent introduction mechanism, attract high-quality legal talents to join the judicial team, and carry out professional skills training for judges.⁴¹ Finally, when allocating judicial power, the state can grant different levels of judicial personnel with distinct judicial powers, of course, this must be based on the principle of upholding the unity of the rule of law in the country.

5.2. Cultivating legal consciousness

Firstly, carry out legal publicity for the three special groups of people in rural areas. The first category is the key population that may be at risk of committing crimes. In rural areas, there are often people who love to fight and have no fixed job or source of income. This group of people should be identified as key targets and subjected to legal education and control to prevent them from developing illegal ideas and embarking on the path of crime. The second category is migrant workers. A large number of migrant workers who have moved to cities for work, although they have already left the countryside, have actually replicated a small rural society on the edge of the city. Due to the inability of migrant workers to receive good legal education, their living conditions in cities are poor, making it difficult for them to earn money, and their psychological gap is large, which may increase their likelihood of illegal activities. Therefore, it is necessary to gradually establish a legal education system that connects migrant workers and carry out activities to bring legal education to construction sites and daily life. Improve the legal awareness of migrant workers and understand how to use the law to protect their own rights and interests. The third category is rural teenagers. Adolescence is an important period for the formation of personal legal concepts, so it is necessary to provide young people with good legal education to reduce the probability of juvenile delinquency. If one has not received good legal education during adolescence, the probability of committing crimes as an adult is relatively high. Improving the overall legal level of rural society must start from the youth stage, enhancing their sense of right and wrong and their ability to protect themselves.

Secondly, innovate the forms of legal education. The current formalized legal education in rural areas has failed to touch the deep structure of the rule of law consciousness. It is necessary to shift from formal legal education to the cultivation of the entire chain of "cognition-emotion-behavior", and reconstruct the value consensus through "legal publicity + cultural empowerment". In the process of legal education, legal provisions can be transformed into local operas, short videos and other cultural forms, so that the concepts of rights and obligations can be integrated into the daily life of the people. In the series of activities such as "Law Enters Villages and Communities" and "Law Enters Households", more local dispute cases can be used instead of abstract provisions, and combined with local forms such as "mock trials" and "legal situation dramas", to turn the law from "text" into "stories". Moreover, mechanisms such as "villager legal credit points" and "village affairs legal review meetings" can be adopted to allow villagers to experience how the law protects them

⁴⁰ Guan Baoying. (2024). "A Study on the Party's Legal Regulation of Leading Cadres' Intervention in Justice—From the Perspective of the Provisions on the Recording, Circulation of Notices and Accountability for Leading Cadres' Intervention in Judicial Activities and Meddling in the Handling of Specific Cases". *Public Governance Research*, 36(04), 73-84. <https://link.cnki.net/doi/10.13975/j.cnki.gdxz.2024.04.008>

⁴¹ Yang Bixue. (2024). "A Study on the Operation Issues of the Incentive Mechanism for Judges in Grassroots Courts after the Quota System Reform". (Master's thesis, Jilin University). Master's thesis. <https://link.cnki.net/doi/10.27162/d.cnki.gjlin.2024.008538>

in the process of participation, and transform cognition into emotional identification.⁴² At the same time, local authorities such as local scholars and village doctors can be mobilized to participate in legal education, and their trust foundation can be utilized to convey the value of the rule of law, achieving what Waters calls "legitimacy transmission among authorities".

At the same time, promoting the rule of law should complement the rule of law in governance. The purpose of legal education is not just to know the law, learning how to use it is the key. So, it is necessary to combine legal education with legal practice in order to truly improve the level of rule of law. We need to further carry out activities to create a rule of law and a safe countryside, enhance the level of legal management in rural areas, continuously improve the rural democratic system, establish detailed village rules and regulations, make up for the deficiencies in rural institutional mechanisms, and improve the system of village autonomy. It is also possible to conduct assessments by setting legal education goals. Many rural legal education campaigns are merely formalities and lack a target responsibility mechanism. Therefore, we should establish a clear and specific goal, continuously refine and optimize the specific work of legal publicity, and effectively improve the actual results of legal publicity and education. Therefore, we cannot just look at how many activities have been organized and how many promotional materials have been distributed.⁴³ Only in this way we can truly see the effectiveness of legal propaganda in impoverished rural areas.

5.3. Promote village autonomy

Activating the self-organizing ability of rural society can lead to a leap where the authority of the rule of law is embedded from the outside to take root within. By promoting villagers' self-governance and continuously conducting democratic practices, the values such as "equal participation" and "rights protection" contained in the law can be transformed into the common sense of villagers' lives.⁴⁴ To more effectively promote villagers' self-governance, the researchers propose the following suggestions. First, improve the financial guarantee for villagers' self-governance, increase government funding investment, ensure that village-level organizations can operate smoothly, and effectively improve the salaries of grassroots staff. Only in this way can rural talents be retained. Secondly, strengthen the supervisory function of self-governing organizations. For example, implement village affairs transparency, establish village affairs supervision committees, and establish the operation mechanism of village-level democratic supervision;⁴⁵ at the same time, coordinate the relationship between self-governing organizations and the township government to avoid administrative subordination and excessive autonomy. The phenomenon of administrative subordination often occurs when self-governing organizations are undermined, and the township government takes charge of all kinds of affairs in the village, with the village committee becoming a subordinate institution of the township

⁴² Jiang Chuanhui. (2024). From Written Symbols to Behavioral Symbols: Improvement of the Supply of Rural Public Legal Education. *Journal of Guangxi Agriculture*, 39(03), 108-113. <https://link.cnki.net/doi/10.20160/j.cnki.ISSN1003-4374.2024.03.015>

⁴³ Zhang Jing. (November 23, 2024). "Innovating the Forms of Popularizing Law to Consolidate the Foundation of the Rule of Law". *Guiyang Daily*. 003. <https://link.cnki.net/doi/10.28295/n.cnki.ngyrb.2024.003278>

⁴⁴ Tian Meng. (2025). From "Village-Group Autonomy" to "Village Administration and Group Governance"—The Village Merging Movement and Changes in Village Governance. *Journal of Southwest University (Social Sciences Edition)*, 51(02), 111-119+310-311. <https://link.cnki.net/doi/10.13718/j.cnki.xdsk.2025.02.009>

⁴⁵ Liu, L. (2025). The Value, Dilemmas and Optimization Path of the Village Affairs Public Disclosure System in Rural Grassroots Governance. *Advances in Social Science and Culture*, 7(3), p145. <https://doi.org/10.22158/assc.v7n3p145>

government. However, the situation of excessive autonomy is that the powers of villagers' self-governance organizations are significantly beyond the legal scope and refuse to accept the guidance of the grassroots party committee. Both of these situations hinder the construction of the authority of the rule of law and must be corrected in a timely manner. Finally, improve village regulations and villagers' self-governance charters. Village regulations and folk rules play a positive role in resolving neighborly conflicts, improving grassroots governance capabilities, and promoting the modernization of grassroots governance.⁴⁶ However, in practice, there are still some village regulations that are on the fringes of the law, and even some local regulations violate the law. And the superior approval departments are completely unaware of their violations. Perhaps it is due to the limited legal expertise. It is suggested that the local regulations be approved by judicial authorities for greater authority.

6. Conclusion

The construction of rural legal authority is essentially a "system reengineering", which requires both the deep penetration of the rule of law into rural society through Parsons' "norm internalization" and the handling of the tension between legal principles and traditions with the wisdom of "authority game" as proposed by Waters. The key lies in recognizing that legal authority is not an "external transformation" of rural society, but rather a "rule gene" that grows within the village itself. This requires not only the "rigidity" of legal texts but also the "warmth" of cultural integration. Only by transforming legal authority from an "external dominator" into a "local enabler" can a dynamic balance of power relations be achieved in the collision between tradition and modernity, ultimately completing the leap from "institutional implementation" to "rooting in people's hearts", and truly realizing the sustainability of authority. The foundation of legal construction in rural areas of China has always been relatively weak, and the construction of rural legal authority is indeed fraught with difficulties and various obstacles: partial disorder in the operation of rural laws, agricultural laws deviating from rural realities, and the implementation of laws going against top-down orders, etc. This article analyzes the rural governance mechanism in China from the aspects of norms and implementation, and then puts forward relevant suggestions for the construction of rural legal authority, hoping to provide assistance for the construction of rural legal authority in China.

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⁴⁶ Chen Chaohui. (2024). A Study on Multiple Norms and Their Functions in China's Rural Governance. *Journal of Xiangtan University (Philosophy and Social Sciences Edition)*, 48(01), 81-87. <https://link.cnki.net/doi/10.13715/j.cnki.jxupss.2024.01.025>

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