

Study on the Value of 'Rural Household Registration' in Modern Society

Xingyue Shen

Economics and Management School of Yangtze University, Jingzhou, Hubei Province, China

2422260796@qq.com

Abstract. On July 30, 2014, the highly concerned opinions on further promoting the reform of the household registration system issued by the State Council was officially released, and household registration reform once again became a hot topic for experts, scholars and ordinary people. The current household registration system, which was formed in the planned economy period, has become the system of balanced urban and rural development and building a well-off society Major institutional obstacles. Household registration reform is imperative. Household registration system is the implementation of urban and rural differences between the government policy. The value of household registration also reflects the economic difference of urban and rural residents' identity.

Keywords: Census register; Agriculture account; Non-agricultural accounts.

1. Introduction

The household registration of Chinese residents can be divided into two categories: "agricultural household registration" and "non-agricultural household registration". The household registration system is the population of citizens whose birth, death, kinship and legal address are collected, confirmed and registered by the state according to law basic information of the legal system to protect citizens in employment, education, social welfare and other aspects of rights and interests. Many welfare policies enacted and implemented by the government are directly or indirectly linked to hukou, which means household registration. The benefits available for social welfare vary widely. Residents with "non-agricultural registered permanent residence" generally live in urban areas with good infrastructure construction and relatively complete social welfare system, and enjoy more benefits provided by the government in transportation, medical care, housing, education, employment and old-age care. Residents with "agricultural hukou" tend to live in rural areas with poor infrastructure and a less developed social welfare system, and enjoy fewer non-cash benefits from the government. Although residents with "rural hukou" can also choose to move to live in urban areas, if the type of household registration is not converted into the local "urban hukou" after relocation, there is still a big gap between the welfare benefits enjoyed by the local residents with "urban hukou". China's government has strict regulations on the management of household registration, both legally and administratively, and residents are not allowed to convert freely between the two types of household registration.

2. Conditions for the Transfer from Urban to Rural Areas

2.1 There are Rural Collective Economic Organizations to Receive

Nowadays, if you want to move your hukou back to the countryside, the first thing you need to do is to have a collective economic organization in the countryside accept you, that is, a village committee accept you as a member of their village. Without this prerequisite, everything else is out of the question. And, according to relevant laws and regulations, for those who have been listed "village to live" village committee, is not allowed to accept urban household registration to rural household registration, which we need to pay attention to.

2.2 A College Graduate from a Rural Background

It is well known that many college students from rural backgrounds moved their hukou to the city where the university is located when they were in college, but now they want to move their hukou

back. However, in this case, it is necessary to be unemployed after graduation and to submit the diploma and the certificate of unemployed issued by the relevant unit.

2.3 The Original Farmers are Now Urban Hukou, But no Permanent Workers in the City

For this group, although it is an urban household registration, if there is still a homestead, housing and a house number in the countryside, according to the regulations, it is also allowed to return to rural life. Nevertheless, need to pass investigation of local police station examine and approve.

2.4 One of the Couple has a Rural Hukou

If one of the husband and wife is a rural household registration and the other is an urban household registration, but the urban household registration person does not have a job in the city, this situation is similar to the third situation, if you want to transfer to a non-agricultural, you need to submit marriage certificate, certificate of unemployment, family planning and other relevant certificates.

However, when urban hukou really want to transfer to the countryside, there will be a lot of problems, most people cannot successfully transferred to the rural hukou, therefore, most of the rural people are not willing to transfer the hukou to the city.

Against the background of the closure reversal of urban and rural hukou, migrant workers realize that if they choose to settle down in urban areas, their land-based survival guarantee may be lost. This is what migrant workers are not willing to accept. It is the closure of rural household registration and the rational survival of migrant workers that make migrant workers cherish rural household registration.

3. Homestead and Arable Land

Homestead is the land used by people in rural areas to build houses and ancillary buildings (such as toilets, courtyards, etc.), and the ownership of homestead is a village collective, and the right to use must not be transferred to others at will, otherwise it does not have legal effect.

What say here very clear, must be rural person, that is to say if rural registered permanent residence just has the homestead use right of village collective, you move registered permanent residence to the city is non-agricultural registered permanent residence also cannot use homestead. But some homesteads already have houses, and the ownership is personal, so you have the right to use the house. But it cannot be repaired or altered.

The cultivated land that says here, be the contracted land of our country, contracted land droit also is to belong to village collective. Village collective contract is divided by farmer oneself cultivate, manage, be responsible for, also cannot be bought and sold at will, or use as other purpose. Although contract land 30 years property right does not move now, but in actual operation, you move registered permanent residence out, be about to abandon farmland rights and interests.

This also says very clear, farmland just contracts or cent give you use, not be you, droit is in village collective, since you are not village collective personnel, cannot enjoy the farmland of village collective naturally. Want to enjoy village collective assets must be village collective personnel, that is to say, must be village collective registered permanent residence, without village collective registered permanent residence cannot enjoy village collective assets. To put it bluntly, it is to use or not to charge you, but this thing is not yours.

Therefore, generally speaking, urban registered permanent residence cannot have the right to use rural homestead and the right to contract farmland. However, this definition of the relationship is sometimes based on the account of the migration relationship and time to determine, not a sentence can be generalized, can only be divided into circumstances.

The first kind of circumstance: if your rural family registered permanent residence in did not move to the city entirely, still leave one person or above registered permanent residence to exist, won't affect rural homestead use right and the farmland use right of contract period. Generally speaking, the rural homestead is a unit, in principle, a family is a house, if you personally out of the registered permanent residence, but the registered permanent residence of his wife or parents is still in the

countryside, so the rural homestead of course they can continue to use. Rural contracted land is also to household as a unit, if you are still in the contract period will be registered permanent residence out, contract period is the principle of reducing the number of people do not reduce the land, increase the number of people do not increase the land, so even if you move out, your family can still farm use.

The second scenario is when your family moves to a small town instead of a big city. According to the relevant provisions of the rural land contracting law, in this case, during the contract period, the contract should retain the right to contract the land according to the contractor's wishes. The country now encourages urbanization very much. That is to say, if your family's registered permanent residence moves to a town below the county level, you are allowed to inherit and retain the right to contract the land during the contract period. However, your homestead, which contains the house you built in the rural area, is private property and can of course continue to be used.

The third kind of circumstance: your whole family moved registered permanent residence into the city, became non-agricultural registered permanent residence, according to land contract law regulation, you should hand in the cultivated land that contracts and grassland to hair contract square. If the contractor fails to return the contracted land, the employer may recover the contracted farmland and grassland. Of course you will be compensated. However, the rural homestead will not be taken back temporarily, because the house on the homestead is still yours, until the house collapses naturally, the village collective will take back the use right of the homestead. It is important to note that your rural home cannot be renovated, rebuilt, repaired, etc.

According to article 26 of the rural land contracting law, it can be known that: "within the contract period, the contract-awarding party shall not take back the contracted land. During the contract period, if the whole family of the contractor moves into a small town and settles down, the contractor shall retain the right to the contracted management of the land or allow the contractor to transfer the contracted management of the land according to law according to his will. During the contract period, if the whole family of the contractor moves to the city divided into districts and becomes a non-agricultural household registration, the contracted farmland and grassland shall be returned to the employer. If the contractor fails to return the contracted land, the employer may recover the contracted farmland and grassland. During the term of the contract, if the contractor returns the contracted land or the contract-awarding party takes back the contracted land according to law, the contractor shall have the right to get corresponding compensation for his investment in the contracted land and the improvement of the productive capacity of the land."

4. Summary

From the above we know, as long as the whole family moved to the city (county, small town, other villages, etc.), registered permanent residence all changed into non-agricultural registered permanent residence, contracted land is not their own. Under normal circumstances, can continue to operate until the end of the contract period.

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