

Study on Land Resources and Land Law Related System

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Abstract. With the development of the world economy and the growth of the population, the scarcity of land resources is becoming the focus of the whole world. And the legal protection of land resources and the legal adjustment of the legal relationship between lands have become one of the issues that the national legislature and jurists are playing more and more attention to. This article attempts to take land resources as a kind of important resources is closely related to national security and in the urgent need for strict protection and put forward views and suggestions from the perspective of comprehensive legislative protection.

Introduction

Land resource is one of the most important wealth of mankind. Known as the father of political economy, William Petty, the labor of wealth creation "labor is the father of wealth, land is the mother of wealth". Throughout history, In the course of human history, from the tribal wars in the primitive society, to the slavery in the slave society, to the turbulent tide of the peasant uprising in the feudal society, to the enclosure movement in the industrial revolution period and the agrarian revolution in modern times again and again And reform, the struggle around the land resources has never stopped. All that land resources is the foundation of human life, the survival and development of each nation is the most basic material conditions.

With the development of the world economy and the growth of population, the scarcity of land resources has become the focus of the world's attention, and the legal protection of land resources and the legal adjustment of land legal relationship has become more and more legislatures and jurists Attention to one of the issues. Throughout the legislation and research of land resources protection in our country, the land resources as a property, the legal system related to land resources as a civil legal system for more research, and this paper attempts to land resources as a real relationship National security is an urgent need for strict protection of important resources from the perspective of comprehensive legislative protection of views and recommendations.

The Concept of Land Resources

Land is the mother of life, gave birth to all life on earth, "is the source of all production and all existence." Land and the sun, air and water together, composed of human survival and development of the most basic natural resources. Because of its controllable and exclusive characteristics, the land has always been to the king, down to the people are most concerned about natural resources, but also a number of academic disciplines common object of study.

On the concept of land we can sum up the following points:

(1) Land is a common object of study in many disciplines. Whether it is natural or social disciplines, land is included as the object of study. The connotation and extension of land are not immutable, but with the level of human productivity is constantly expanding, such as when people know the land surface that rivers, lakes and other shipping, irrigation, aquaculture and power generation, and land waters When the range is constantly changing, the water surface in the land is considered to be an indispensable part of the land.

(2) Land is not equal to soil. Although land is an important component of the soil, it is not just soil, but also the legacy of natural sediments, rivers, lakes and other human history.

(3) The land itself has its own complete ecosystem, and the land ecosystem is a sub-ecosystem of the whole earth's surface ecosystem.

(4) The land is not just a plane concept and the meaning of land is a flat land and three-dimensional land of the points.

(5) The integrity of the land requires us in the development and utilization of land, we cannot be an element of land as the land of the whole, the quality of land and its use depends on all the land elements, but not one-sided consideration of a one element.

It should be noted that, in the strict sense, land and land resources are not the same concept. It is generally believed that land resources refer to land that can be exploited and generated by mankind with the existing economic and technological conditions of mankind at present or foreseeable for a period of time. Land resources are only part of the land. Thus, there is still a difference between the two. At the same time, the boundaries of such differences are rather vague, and the scope of land resources has gradually expanded with the development of scientific productivity so that it is very difficult for us to find a piece of land without human footprints on the earth. Therefore, at present domestic and foreign scholars in the land as the object of study will be the Pan-use, land is the land resources, this article also follow the practice, this will not be differentiated.

The Characteristics of Land Resources

The characteristics of things are often the external manifestation of its intrinsic attributes, the characteristics of the land is no exception. Based on the physical attributes, orientation and property rights of land resources and the land as natural resources mainly displays the following characteristics:

The spatial location of the land is relatively fixed, although the evolution of the earth from the point of view, the marshes is the norm, the East African Rift Valley is still expanding. This change is too slow to be perceived, has little practical significance for human production and life, and cannot change the characteristics of the fixed position of the land in a substantial sense, relative to the history of human social development. This determines that we can only use the land resources and land use.

Land is the product of the natural history of the earth, the pattern of the world's land is the earth after hundreds of millions of years of quantitative change to qualitative change before the formation of the "trace", as a whole, the amount of land is constant, and the land is not renewable. Although in recent years, with the increasing number of human population, some coastal countries and regions began to rely on advanced scientific and technological reclamation in order to obtain incremental land, but from the strict sense, the earth land area cannot be expanded indefinitely. The limited number of land determines that we must economize and intensive development and utilization of land.

The terrain of land, hydrology, soil, vegetation and other conditions there are different and there is also high and low latitude of the points, different locations of land resources are often there is a big difference. This discrepancy is so apparent that the land within the same village can be divided into high and low. In order to achieve the effective use of land resources, we must be in the development and utilization of land resources to local conditions.

The Overview on Current Land Resources Protection and Land Management Legal System

China's current land resources protection and land management related laws and regulations from the "Constitution" to the relevant provisions of the "Land Management Law", "Property Law", as well as administrative laws and regulations, local laws and regulations around the Supreme Court judicial interpretation, constitutes a relatively complete administration and slightly messy, the environment and the relative lack of legal protection of resources in the legal system.

Specifically, at the constitutional level, China's current Constitution provides in Article 9 and Article 10, respectively, the fundamental issues of the scope of state-owned land and collective land, land expropriation, requisition and compensation, land use right transfer, The framework of land public ownership system and the transfer of land use right are determined. At the legal level, the "Property Law" on the land at the national and collective levels of ownership system and the relevant

land use rights registration, transfer system to make specific provisions; and the most important is the "Land Management Law", from the comprehensive utilization of land resources Land use planning, land use control and cultivated land protection. It is the main legal basis of land management in China. The following will focus on the various systems defined by the Land Administration Law. The Penal Code of China has set penalties for indiscriminate use of land and destruction of cultivated land, which is the most severe compulsory measure adopted by China in protecting land resources. In addition, other existing laws in China such as "General Principles of Civil Law", "Urban Real Estate Management Law", "Forest Law", "Grassland Law", "Soil and Water Conservation Law", "Mineral Resources Law", there are fragmented about Provisions on the Protection and Utilization of Land Resources.

The State Council and its subordinate ministries and commissions to develop administrative regulations and regulations, such as the "Land Management Law Implementation Regulations", "Basic Farmland Protection Ordinance", "urban state-owned land use right transfer and transfer of Interim Regulations" and "transfer of state-owned land use right approval management Interim Measures ", " Interim Measures for the Administration of Land Use Rights ", etc., and local laws and regulations such as" the implementation of urban state-owned land use right transfer and transfer of temporary regulations ", " Shanghai City land leasing Interim Measures "and so on, constitute China's land resources protection and management of the most realistic, the most operational rules of the system, but also throughout the land management work the most direct basis.

In addition to the above-mentioned legislative system construction rules, the Supreme People's Court on the land-related laws to make a lot of explanatory documents, such as "Supreme People's Court case on how to apply the land management law Article 13, Article 14 of Forest Law The Supreme People's Court on the management of real estate cases, "and so on, from a judicial point of view to solve the relevant laws in the implementation process of difficult problems for our land resources protection and management of the legal system has played an important role in improving.

The Legislative Proposals for the Protection of Land Resources

Adhere to the separation of land ownership and use of the system. China's current land ownership and use of the separation of the system is from the national revolution period of the exploration of the land revolution has accumulated countless experience, in the current historical conditions proved to be successful land tenure system. Ownership of land ownership of the public ownership of the land to ensure absolute control of the state is conducive to national land resources, the overall planning and protection, but also conducive to maintaining social stability. The creation of land use rights will enable the property rights of land to enter the market, rational allocation and efficient use. Therefore, the author believes that this system of land ownership and the right to use separation should continue to adhere to.

Improve the land acquisition system. More stringent, more equitable and transparent procedures should be established on the basis of the land acquisition announcement, including allowing pre-land-hearing hearings to be negotiated on an equal footing with land owners. Especially for the owner of collective land, that is, farmers groups, but also need to improve the publicity procedures for farmers to inform the right to avoid the use of some areas of low level of knowledge of farmers and other vulnerable to deceive and even cheat to deceive the land. The existing land acquisition compensation system only gives farmers basic living security (some areas even the most basic compensation cannot be guaranteed), so that the economic impact of land expropriation, resettlement and other issues related to the direct survival of farmers, Benefits all fall into the land of the government and the real estate developers behind the pockets. It is necessary to reform the current calculation method of land acquisition compensation, to compute the economic value of land owned collectively by the peasants and the benefits brought by land acquisition and land conversion, and give the farmer fair transfer of land and more economic compensation.

Land environmental protection system. The first is land environmental protection, which focuses on the prevention and control of land pollution, legislation and land management law, urban

and rural planning law and a series of land acquisition procedures, construction land planning, construction permits related to organic laws and regulations, will prevent land pollution into To the environmental impact assessment, land use planning and urban and rural construction planning system, the formation of linkage mechanism. Agricultural land and the degradation of land ecosystems; combined with the administrative guidance of agricultural production and other means, the initial establishment of the land ecosystem assessment system to coordinate local conditions to carry out agricultural production, the use of agricultural land, the use of chemical fertilizers, To avoid the introduction of alien species and lead to regional ecological disaster; require access to construction land planning approval for each piece of land to good land pollution control, and with a certain technical means to eliminate some of the original enterprises will be discharged into the water body of pollutants into the ground To evade taxes and fees of illegal acts.

Conclusion

With the development of the world economy and population growth, the scarcity of land resources has become the focus of the world's attention. And the legal protection of land resources and the legal adjustment of the legal relationship between lands have become one of the issues that the national legislature and jurists are playing more and more attention to. Land resources really need to be protected by legislation as a kind of important resource which is closely related to national security.

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