

# Judicial Empirical Research on the Protection of Collective Assets and Shares of Migrant Workers in Cities

Yan Zhang, Hualin Zhou, Jing Zhang

Hunan Institute of Science & Technology, Yueyang, 414000, China

**Abstract:** *China's urbanization is a major event that affects the world's development process in the 21st century. The settlement of farmers in cities is of great significance for promoting new urbanization, alleviating the contradiction between people and land in China, fully leveraging the effectiveness of property rights, and improving China's rural economic system. The collective asset stock rights of farmers who settle in cities are legal rights protected by laws and policies, and can provide basic living security for farmers who settle in cities. However, the current protection of the collective asset and stock rights of farmers who have settled in cities is facing problems such as a lack of legal norms for collective asset and stock rights, unclear rules for the loss of membership qualifications, obstacles to the realization of shares, and incomplete judicial relief systems. It is necessary to focus on the drawbacks of the existing system, formulate relevant legal norms for the protection of collective asset and stock rights of farmers who have settled in cities, clarify the rules for the loss of membership, and improve the realization methods of collective asset and stock rights, Strengthen the construction of the judicial relief system for the collective assets and stock rights of farmers who have settled in cities, safeguard the legitimate rights and interests of farmers who have settled in cities, and promote the development of new urbanization.*

**Keywords:** Farmers settling in cities, Collective asset shares, Rights protection.

## 1. EXPLANATION OF FARMERS SETTLING DOWN IN CITIES AND RURAL COLLECTIVE ASSET STOCKS

Opening, in this new era, of the "four histories" courses in normal colleges and universities is a significant action to act out the fundamental task of foster character and civic virtue, an effective approach to complete ideological and political courses and make up its short board, and safeguards students of normal colleges to strengthen the "four self-confidences" and live up to "two maintenances". Essential is scientific positioning for the setting of the "four histories" courses in normal colleges and universities, thus to mirror characteristics of the education. Efforts should be inputted to clarify teaching objectives, priorities and methods of these courses, properly handle teaching relationship between "historical courses" and "Introduction to the Theoretical System of Socialism of Chinese Characteristics", internal correlation of "historical courses", and interaction between "learning history" and "today's application", so as to give full play to the education effect of the courses to the greatest extent, from characteristics of high-quality basic education personnel training, normal college students, and teaching of ideological and political courses in normal colleges.

### 1.1 Definition of the concept of farmers settling in cities

Farmers who settle in cities are a product of the process of urbanization, which is different from traditional farmers who rely on agricultural production for a living. Farmers who settle in cities no longer rely on farming for a living, but instead enter the city to work and transfer their household registration to the city, settling down in the city. At present, there is no clear definition of the specific scope of coverage for farmers who settle in cities at the national legal and policy levels [1]. There is no legal concept for farmers who settle in cities, and scholars have different opinions. Some scholars believe that farmers who settle in cities are simply natural persons who have completely separated from the agricultural profession in the process of urbanization [2]. According to the report of the 20th National Congress of the Communist Party of China, some scholars further pointed out that farmers who settled in cities refer to members of rural collective economic organizations who have urban registered residence and wish to stay in cities for a long time and have not paid social security [3].

With the continuous acceleration of urban-rural integration and urbanization, the number of farmers settling in cities is increasing. Relevant data shows that by 2020, the number of farmers settling in cities has reached 100 million, and this number will continue to expand in the future. Farmers who settle in cities are neither traditional

farmers nor pure urban residents, and are a special group in between. With the growing number of farmers settling in cities, the protection of their legitimate rights and interests is also receiving increasing attention. Many national policy documents related to agricultural reform have gradually emphasized the protection of the legitimate land rights and interests of farmers who settle in cities .

### **1.2 Brief Description of Rural Collective Asset Stock Rights and Interests**

Rural collective asset shares are the rights of rural collective members to obtain quantitative distribution shares of collective operating assets [4]. They are the product of the central government's deepening of the reform of the rural collective property rights system and have important significance for rural areas and farmers. On the one hand, this not only increases the property income of farmers and improves their lives, but also are planning and distribution of rural collective assets, which is beneficial to the development of rural economy and to a certain extent, can promote rural revitalization and achieve good development of rural areas. It is an important reform beneficial to the national economy and people's livelihood. Some scholars believe that rural collective asset shares are a form of shareholding realization of the distribution rights of income among rural collective members [5]. In 2016, the Central Committee of the Communist Party of China and the State Council issued the "Opinions on Steadily Promoting the Reform of Rural Collective Property Rights System", which quantifies rural collective operating assets to their own collective members in the form of shares or shares, as the basic basis for collective members to participate in collective income distribution. Rural collective economic organizations have achieved shareholding reform, with member rights converted into equity and shares becoming the carrier of income distribution rights [6]. From this, it can be seen that there is a close relationship between rural collective asset shares and the membership of rural collective economic organizations, and the right to distribute shares is based on the membership rights in the collective ownership of the members of the collective.

### **1.3 The collective asset stock rights of farmers who settle in cities are property rights protected by law**

The collective asset stock rights of farmers who settle down in the city are the property rights that they obtain based on their collective membership before settling down in the city and continue to enjoy in accordance with the law after settling down in the city. The current laws, regulations, and policies do not stipulate that farmers who settle down in cities will lose their membership in rural collective economic organizations. Farmers who settle down in cities also do not fall under the circumstances of losing their membership as stipulated in Article 18 of the Draft Law on Rural Collective Economic Organizations. Farmers who settle down in cities still enjoy the right to collective assets and shares. Moreover, relevant national policies and regulations ensure that farmers who settle in cities can bring their rights and land into the city. In 2015, the Central Committee of the Communist Party of China and the State Council issued the "Comprehensive Implementation Plan for Deepening Rural Reform", which clearly stated the need to effectively safeguard the land contracting rights, homestead use rights, and collective income distribution rights of farmers who settle in cities. In 2022, the report of the 20th National Congress of the Communist Party of China once again emphasized the need to protect the legitimate land rights and interests of farmers who settle in cities. From this, it can be seen that the central government attaches great importance to the legitimate rights and interests of farmers who have settled in cities. Protecting the collective assets and shares of farmers who have settled in cities is a need to implement central policies, and the collective assets and shares of farmers who have settled in cities are property rights protected by law.

## **2. THE PRACTICAL SIGNIFICANCE OF PROTECTING THE COLLECTIVE ASSETS AND STOCK RIGHTS OF FARMERS WHO SETTLE IN CITIES**

Zhai Weixi (2022) grasped historical tide, got a clear understanding of historical orientation and tightly seized historical opportunity learning from history and starting from theoretical foundation. Foremost, "four histories" course echoes ideological education attributes of ideological and political arrangements in colleges and universities, and continuously maintain its guiding role in ideology; second, the course interprets teaching objectives of ideological and political courses, that is, understanding the truth, boosting confidence, advocating moral character and practice preaches through studying history; last but not least, it is consistent with teaching characteristics of ideological and political courses in colleges and universities. It suits well teaching process of ideological and political courses, and innovates the teaching mode [1]. Practical value of "four histories" education in integrating college students' ideological and political work in higher vocational colleges was expounded by Cui Nan, who, additionally, dissected existing difficulties and drives, and attempted to figure out feasible paths for instructors to integrate daily "historical" education into college students' ideological and political teaching. All inputs aim at enabling the majority of young generations to take history as a mirror, fulfill the dream of building a strong country

sticking to their original intention and mission, and practice the promise of shaping a powerful nation out of individual efforts[2].Guo Bixia (2022) pointed out that at this great historical moment of great significance, the 100th anniversary of the founding of the Communist Party of China in 2021, the integration of party history education into the ideological and political education of college students will play a very important role in improving the quality of ideological and political education. the role of sex.

For the ideological cognition of college students, party history education is not only the most powerful patriotism education, but also the most powerful ideological and belief education. It can effectively stimulate the national spirit of college students and is a very important measure to help college students understand history. At this stage, colleges and universities are integrating party history education in the process of ideological and political education, establishing a party history ideological and political teaching system, and gradually building it into a long-term mechanism, which can effectively integrate party history education into the ideological and political theory courses of college students, and give full play to the value of political theory courses [3]. Contemporary college students are now immersed in excessive new media. Exchange and collision of multiculturalism has made values of young students risky, which not only affects the growth of college students, but also hammers the healthy development of the country in the future, according to Du Xin (2021). "Four Histories" contain rich philosophy of life and wisdom in governing the country, and they are the necessary "nutrients" for students to strengthen their ideals and beliefs and fulfill their original mission. On the centennial birthday of the Communist Party of China, the in-depth development of the "four histories" education has also been endowed with new vitality and meaning of the times. In practice, the main position of ideological and political courses, the main port of campus culture, and the main channel of the Internet should be used to continuously improve the leading, fresh, and appealing power of the "four histories" education, so as to improve the effectiveness of ideological and political education for college students [4]. "Respect for History" says: "History, the sources, answers for the goal of Dao. One must learn history first to know the Dao." Strengthening history education and learning the history of the party and the country, "is to adhere to and develop socialism with Chinese characteristics, and integrate the party and the country into each other. It is a required course for the project to continue to move forward." The Party Central Committee attaches great importance to the study and education of history, especially the history of Chinese revolution and construction, and requires colleges and universities to focus on "General Secretary Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era" on the basis of maintaining a relatively stable setting of compulsory ideological and political courses. Histories of the party, the state, reform and opening up, socialist development, the constitution and law, excellent traditional Chinese culture and other set a series of optional compulsory courses. Through innovation and improvement of the ideological and political curriculum system, the education of the history of the Communist Party of China, the history of new China, the history of reform and opening up, and the history of socialist development has been strengthened to promote the "normalization and institutionalization of ideal and belief education". At present, it is a very urgent political task for colleges and universities, including normal colleges and universities, to strengthen the curriculum construction of "Four History" and promote the education of "Four History" into the mind and heart. It is to train qualified socialist builders and successors important measure.

## **2.1 Beneficial to highlighting the core legal values of fairness and justice**

Rural collective asset shares are the carrier of collective income distribution rights, which can effectively increase farmers' property income. In some rural collective economic organizations in the developed eastern coastal areas, their income can even reach a new high of one billion yuan. After the completion of their shareholding reform, farmers can receive profits of tens of thousands of yuan based on their collective member shares. Rural collective asset shares are of great significance in increasing farmers' property income. The group of farmers who settle in cities has a transitional characteristic, as they have just migrated from rural areas to cities and have not yet fully integrated into the city. They are still in a transitional stage between urban residents and farmers. At this time, the farmers who settled in the city have just separated from the main occupation of agriculture and are working and doing business in the city. They are still in a low income and unstable state economically, and cannot enjoy the same social security benefits as the original urban residents. They are facing many difficulties in living in the city. Compared to urban indigenous and traditional farmers, farmers who settle in cities face many risks in their lives and work, and are in a disadvantaged position. If we immediately break away from the original rural collective economic organization and no longer enjoy the right to share collective interests, it will cause farmers who settle in cities to lose a stable property income, which is not conducive to their stable life in the city, and it is not fair for this special group of farmers who settle in cities.

Fairness and justice are the most fundamental values to be followed in the socialist legal system and also the core

values of law. For the special group of farmers who have settled in cities, the compulsory withdrawal of rural collective land rights with strong social security attributes before they receive complete social security measures is very unfair to farmers who have settled in cities, violates the universal pursuit of fairness and justice in society, and also infringes on the survival and equal development rights of farmers who have settled in cities [7]. But if the land rights and interests of farmers who settle in cities are preserved and their collective asset and property rights are protected, it will reduce the risk level of urban life for farmers who settle in cities and help them better integrate into the city. When farmers who settle in urban areas have formed a stable life and enjoy the same social security treatment as urban residents, their collective asset and stock rights in rural areas can be voluntarily withdrawn with compensation, achieving justice above the withdrawal rights of farmers who settle in urban areas and a positive synergy between the efficiency needs of social aspects for the withdrawal rights of farmers who settle in urban areas, and achieving a balance between personal justice and social justice [8]. Therefore, national policies allowing farmers who have settled in cities to retain their "three rights" and encouraging them to voluntarily withdraw with compensation are a manifestation of substantive fairness and protection of the weak. They can form a good balance between national policies, expected benefits for farmers who have settled in cities, and the interests of farmers who have not settled in cities, and can also demonstrate the core legal values of fairness and justice.

## **2.2 Beneficial to promoting the construction of new urbanization**

Urbanization construction plays an important role in the development of the national economy. Affected by the policy of emphasizing agriculture and suppressing commerce, ancient Chinese society was a self-sufficient feudal small-scale peasant economy, which led to China being a traditional agricultural country for thousands of years. China's urbanization level was very low and it was in a backward position worldwide. After the reform and opening up, the transformation of economic policies and the improvement of various infrastructure have led to more and more farmers migrating from rural areas to cities, bringing a large amount of labor force to cities. The continuous improvement of urbanization has had a profound impact on the development of China's social economy. However, there is still great room for improvement in China's urbanization level, and China is still continuously promoting urbanization construction.

The fundamental reason for new urbanization lies in the urbanization of farmers [9]. Farmers who settle in cities are an inevitable product of China's new urbanization development and an important force affecting China's development in the 21st century [10]. In the process of new urbanization, farmers who settle down in cities are different from traditional farmers and urban indigenous residents in terms of identity, rights, and other aspects. Therefore, it is necessary to make reasonable institutional arrangements for their various rights and interests, including collective assets and stock rights. Protecting the collective assets and shares of farmers who settle in cities and increasing their property income can help them better live in cities, greatly promote China's urbanization construction, and improve the level of urbanization in China.

## **2.3 It is conducive to rural revitalization and Common prosperity**

The implementation of the rural revitalization strategy can effectively promote the economic development of rural areas and meet the aspirations of rural residents for a better life. As a plan aimed at fundamentally solving the urban-rural gap and promoting Common prosperity, the rural revitalization strategy plays an important role in promoting the coordinated development of regional economy, achieving Common prosperity and ensuring intergenerational equity. Protecting the collective assets and shares of farmers who settle in cities can help them live a stable life in the city and quickly pass the transition period of integration into the city. At the same time, the state encourages farmers who have settled in cities to withdraw their collective land rights and interests with compensation. The paid withdrawal and transfer of collective assets and shares of farmers who have settled in cities not only increases their property income, but also promotes the integration and redistribution of rural resources, protects the land rights and interests of farmers who have not settled in cities, promotes economic development in rural areas, injects strong support into rural revitalization strategies, and narrows income disparities, Promote the realization of Common prosperity.

# **3. THE DIFFICULTIES FACED BY THE PROTECTION OF COLLECTIVE ASSETS AND SHARES OF FARMERS SETTLING IN CITIES**

## **3.1 Lack of legislative protection for collective asset shares of farmers settling in cities**

Although the central policy clearly states the need to protect the legitimate rights and interests of farmers who

settle in cities, due to the current exploration stage of the rural collective asset share reform system, the legal provisions are not perfect, and there is no specific legislation on rural collective asset shares. Only some normative legal documents and local regulations with lower effectiveness regulate their acquisition, circulation, and transfer of collective asset shares of farmers who settle in cities. There is no unified and clear regulation on issues such as loss. National policies only generally state the protection of the "three rights" of farmers who settle in cities and encourage them to voluntarily withdraw with compensation. There is no specific regulation on the standards and scope of paid withdrawal, and policies in different regions also vary. In fact, compared to traditional farmers, farmers who settle in cities have significantly reduced their dependence on homestead land and land contract management rights for survival. Instead, they need collective assets and shares, which have prominent property values and can help them live a more stable life in the city. Therefore, it is necessary to legislate and regulate the relevant issues of collective asset and stock rights of farmers who have settled in cities, in order to protect the collective asset and stock rights of farmers who have settled in cities. However, in terms of protecting the collective assets and stock rights of farmers who settle in cities, the current legislation has not made clear provisions and lacks legislative protection.

### **3.2 Unclear rules on whether farmers who settle in cities have lost their membership in collective economic organizations**

Rural collective asset shares are based on the membership rights of rural collective economic organizations, and have a close relationship with the membership of rural collective economic organizations. The determination of membership is very important for farmers. Once the membership of rural collective economic organizations is lost, they will no longer enjoy the rights and interests of rural collective asset shares. The issue of the criteria for determining collective membership has always been a focus of controversy in the academic community. Gao Fei believes that the legislation should establish the criteria for obtaining and losing collective membership based on the principle of registered residence and supplemented by basic subsistence security [11]. From the perspective of legalization of collective member confirmation standards, Dai Wei believes that we should adhere to the fairness of collective resource allocation, as well as the safeguarding and operating functions of collective economic organizations [12]. Fang Shaokun believes that the determination of membership should be examined from the perspective of judicial relief [13]. The draft Law on Rural Collective Economic Organizations stipulates that the members of collective economic organizations should be recognized by taking into account registered residence relationship, rural land contracting relationship, production and living conditions, sources of basic living security, contributions to collective accumulation and other factors.

The current Law on Rural Collective Economic Organizations has not yet been enacted, and there is no specific and clear regulation on the recognition and loss of collective membership in any law. The legal rules are unclear. The identification of the membership of rural collective economic organizations and its internal relationship with the membership of rural collective economic organizations, as well as the basic relationship between farmers settling in cities and rural collective economic organizations, Villagers' committee or villagers' groups, are all subject relationships that need to be further clarified [14]. Whether farmers who settle in urban areas have the membership of rural collective economic organizations is related to the collective membership rights and collective asset shares, and cannot be "one size fits all" regulations. In accordance with the provisions of the Legislative Law, the recognition rules for the membership of rural collective economic organizations should be established by law [15], and the recognition and loss rules for the collective membership of farmers who settle in urban areas should be clarified.

### **3.3 The implementation of collective asset and stock rights for farmers settling in cities is hindered**

The collective asset shares of farmers who settle in cities are tangible property rights that can increase their property income and provide them with a living guarantee. The Opinion on Steadily Promoting the Reform of Rural Collective Property Rights System clearly proposes to fully grant six rights: possession, income, inheritance, paid withdrawal, mortgage, and guarantee. Under the guidance of this opinion, pilot projects for share transfer have been carried out in various regions and relevant measures have been formulated. However, due to the current lack of relevant laws and regulations, the pilot methods in different regions are also different. In addition, the country has not opened up the individual transfer market, which hinders the realization of the rights and powers of rural collective assets and shares, and cannot truly achieve the various rights and powers stipulated in the Opinion. For example, in terms of the transfer of rural collective asset shares, some places stipulate that collective asset shares can be transferred externally, while others do not allow external transfer, and the transferee is limited to the members of the collective economic organization. The unclear scope of the circulation of collective asset shares

has caused difficulties in the realization of rights such as pledge, transfer, and mortgage of collective asset shares. In addition, national policies encourage farmers who settle in cities to withdraw from the collective "three rights" with compensation, but there is no standard for paid withdrawal and transfer, resulting in significant differences in compensation standards among different regions. Farmers who settle in cities do not receive good compensation, seriously suppressing their willingness to legally transfer and withdraw from collective assets and shares with compensation.

The ownership of rural collective asset shares is the key to realizing the property rights of farmers who have settled in cities. The six major powers possessed by rural collective asset shares play an important role in increasing the income of farmers who have settled in cities. However, currently, neither the national unified laws and regulations nor local regulations have established systematic institutional norms for the realization of rural collective asset share rights [16], and the rules for the realization of share rights are not clear, which leads to numerous obstacles for the realization of collective asset share rights for farmers who settle in cities.

### **3.4 Imperfect judicial relief system for collective assets and stock rights of farmers who settle in cities**

When rights are violated, judicial relief is needed, and justice is the last line of defense for protecting rights. The collective asset and stock rights of farmers who have settled in cities are important material guarantees and economic sources for their urban life. The recognition and protection of the collective asset and stock rights of farmers who have settled in cities is an important guidance for current legislation and policies. The protection of collective asset and stock rights of farmers who have settled in cities not only requires positive protection from the aspects of rights granting and realization, but also needs to curb the occurrence of infringement of collective asset and stock rights of farmers who have settled in cities. It is necessary to provide judicial relief, design a reasonable judicial relief system, and more comprehensively protect the collective asset and stock rights of farmers who have settled in cities.

At present, the judicial relief system for the protection of collective assets and shares of farmers who settle in cities is not perfect. The author searched for a total of 96 judgment documents from the Chinese Judgment Document Network, using the keywords "farmers settling in cities" and "shares". Using the keywords "rural collective asset shares" and "transfer", a total of 8 judgment documents were found. After screening and analysis, a total of 3 judgment documents related to the collective asset shares of farmers settling in cities were retrieved. Through reviewing and analyzing these three judicial documents, the author found that the people's court ultimately rejected the plaintiff's request. Among them, in the (2022) E09 Minzhong 408 case, the plaintiff obtained the equity certificate issued by the collective economic organization before settling in the city and enjoyed the collective asset shares, but did not enjoy the share dividends after settling in the city, resulting in a dispute with another member of the village collective. However, the people's court believes that the collective asset and stock interests claimed by the plaintiff are based on the membership of the collective economic organization and the corresponding rural land contracting and management rights. The determination of collective membership and the ownership of land contracting and management rights belong to government processing matters, and do not fall within the scope of civil litigation accepted by the people's court. Therefore, the plaintiff's lawsuit is rejected. In the (2019) Lu 0213 Min Chu 709 case, the court also dismissed the lawsuit and did not hear it on the grounds that the premise of confirming the collective asset and stock rights of farmers who settled in the city was to determine whether the plaintiff was a member of a rural collective economic organization, and the confirmation of the membership of a collective economic organization was a matter within the autonomous scope of the collective economic organization and did not fall within the scope of the people's court.

Due to the lack of legislation, there are no clear legal provisions on the specific scope of farmers' collective asset share rights and interests settled in cities, and the boundary between judicial intervention and member autonomy is not clear. Judges have no clear legal provisions to rely on when making judicial decisions. Most of them use legal principles to make judgments, and lack Substantive law norms that can be directly relied on. Most courts directly identify farmers' collective asset share disputes as members' autonomy matters, Refusing to make a judgment on the grounds that it is not within the scope of court proceedings. This will undoubtedly pose a significant obstacle for farmers who settle in cities to seek relief for their collective asset and stock rights, making it impossible for them to obtain reasonable relief through judicial procedures and safeguard their legitimate land rights.

#### **4. OPTIMIZATION PATH FOR THE PROTECTION OF COLLECTIVE ASSETS AND SHARES OF FARMERS SETTLING IN CITIES**

Modern industries are gradually developed after the economic develops to a certain stage. The inherent innovation, crossover and integration of modern manufacturing industry determine that the innovative and entrepreneurial talents play a key role in the industry development. The innovation and entrepreneurial talent training of machinery major in local colleges and universities must consider actively the demands of local or surrounding areas' modern manufacturing industry. At the same time, innovation and entrepreneurial talent training should take university-enterprise coupling mechanism construction as the starting point, a community creation of cultivating innovative and entrepreneurial talents as the emphasis point, ability enhancement of students as the key point. And then for the local economic and social development, local colleges and universities can cultivate manufacturing innovation talents who understand theory, master technology and dare innovation.

Modern industry usually refers to the industry with advanced production technology and equipment, more capital intensive, high production efficiency, fast growth. Modern industry also has the characteristics of innovation, openness, integration, agglomeration and sustainability. Modern industry emerges and develops gradually when the economy advances to a certain stage. The increasing proportion of modern industry in the economic structure will gradually transform the social economy from dual, even multiple, economic structure to modern economic structure. At present, China is in a critical period of industrial transformation and upgrading. The country has clearly stated in the file, the 14th Five-Year Plan and the outline of the long-term goals for 2035: the development of modern industrial system should be accelerated, the foundation of the real economy should be strengthened. The inherent characteristics of modern industry and the needs of China's economic and social development determine that the market needs a large number of innovative and entrepreneurial talents who understand theory, master technology and dare to innovate. The file, Opinions of the Central Committee of the Communist Party of China and the State Council on Promoting High-quality Development in the Central Region in the New Era, clearly points out that the innovation capacity of the central region of China needs to be strengthened. Local universities, especially those in central and western regions of China, relatively lack teaching resources and lag behind introducing advanced concepts and technologies. It is very necessary to carry out exploration and practice in the construction of the coupling mechanism among university, government and enterprise, and in the creation of the innovation and entrepreneurship talent training community.

##### **4.1 Improve the legal provisions on collective asset shares of farmers who settle in cities**

The fourth item of the Opinions on Further Promoting the Reform of the registered residence System clearly stipulates that the right to distribution of collective income when settling in cities is the legitimate property right that farmers, as members of collective economic organizations, should enjoy. Collective asset shares are the carrier of collective income distribution rights under the reform of the stock cooperation system. As the legitimate property rights of farmers who settle in cities, they should be reasonably and legally protected. At present, the shareholding system reform system is not perfect, and there is no specialized legislation on rural collective asset shares. The protection of the collective asset and stock rights of farmers who settle in cities is only reflected in national policies, scattered in local legal documents and policy provisions. There are no clear legal provisions on the scope, implementation methods, judicial remedies, etc. of the collective asset and stock rights of farmers who settle in cities, and there is a lack of legislation, which is not conducive to the realization of the collective asset and stock rights of farmers who settle in cities. Therefore, relevant laws and regulations on the collective asset and stock rights of farmers who settle in cities should be introduced as soon as possible to make up for the lack of legislation. At the same time, it is necessary to establish a collaborative protection concept for the collective asset and stock rights of farmers who have settled in cities, coordinate the relationship between legislation and policies, avoid conflicts between relevant policies and laws, and enable legislation and administration to coordinate and protect the collective asset and stock rights of farmers who have settled in cities.

##### **4.2 Clarify the rules for farmers who settle in cities to lose their membership in collective economic organizations**

Farmers settling down in cities is not a necessary and sufficient condition for them to directly lose their membership. Current legislation does not provide that farmers who settle down in cities lose their membership in collective economic organizations. Farmers settling down in cities does not belong to the situation of losing their membership as stipulated in Article 18 of the Rural Collective Economic Organization Law (Draft), However, farmers who explicitly "become national civil servants" and "voluntarily withdraw" lose their membership in rural collective

economic organizations. From this, it can be seen that in principle, settling down in cities does not necessarily lead to the loss of their membership in collective economic organizations. But it is undeniable that there is also a considerable connection between settling down in the city and losing their membership [17]. Farmers settling down in the city actually means that they hope to integrate into urban life and become part of urban residents, separated from rural collectives. It is not fair for farmers who have not settled down in the city to retain their membership in the rural collective economic organization. However, due to the special nature of farmers settling down in the city, Before it fully integrates into the city, it is necessary to continue to use collective land rights as a basic livelihood guarantee. Therefore, it is necessary to carefully consider the reasonable criteria for the loss of collective membership of farmers who have settled in cities, and consider whether farmers who have settled in cities have access to other alternative basic living guarantees [18]. When farmers who settle in cities receive stable and sustainable survival guarantees in areas outside of collective land, they should no longer retain their membership in collective economic organizations [19]. For farmers who continue to use collective land as basic living security during the transition period, they should retain their membership in collective economic organizations and protect their legitimate land rights, so that they can better integrate into the city and promote urbanization development. At present, the legal rules for farmers who settle in cities to lose their collective membership are not clear. Most members of collective economic organizations have made decisions, which can easily cause harm to the enjoyment of collective assets and stock rights of farmers who settle in cities. Therefore, it is necessary to clarify the rules and standards for farmers who settle in cities to lose their collective membership in law as soon as possible, in order to clarify specific legal provisions for guiding the recognition and loss of membership.

#### **4.3 Improve the implementation method of collective asset shares for farmers who settle in cities**

With the implementation of the rural revitalization strategy, the development of agricultural industrialization, and the continuous progress of the rural collective economic asset shareholding system reform, the property rights structure will develop towards an increasingly market-oriented direction [20]. The promotion of the reform of the rural collective asset stock cooperation system has enabled farmers who settle in cities to enjoy their legitimate rights and interests, including the right to collective income distribution, to be uniformly guaranteed using the rural collective asset stock rights as a carrier, and equally quantified to individuals. Rural collective asset stock rights are rights with property attributes, possess market genes, and can be subject to market evaluation and transaction prices like other market factors. They have the possibility of further docking with paid exit and paid transfer. The "Opinions on Steadily Promoting the Reform of Rural Collective Property Rights System" also clearly endows rural collective asset stocks with six major powers, including paid exit. However, there is currently no unified and clear rules for the realization of share rights, and the mechanism for paid withdrawal and transfer of collective asset shares of farmers who settle in cities is not perfect. Unclear rules for the realization of share rights will, to a certain extent, hinder the realization of rural collective asset shares, so that the normal property value of rural collective asset shares cannot be played, and it is also not conducive to the income increase of farmers settling in cities. Therefore, it is necessary to clarify the rules for the realization of the rights and interests of collective assets and shares, improve the mechanism for paid withdrawal and transfer, establish an open and unified rural property rights trading platform, and transfer collective assets and shares through market-oriented methods, clarify the scope of transfer, and achieve transaction protection for the rights and interests of collective assets and shares of farmers who settle in cities.

#### **4.4 Strengthening Judicial Relief for the Protection of Collective Assets and Stock Rights of Farmers Settling in Cities**

Judicial relief is an important channel for protecting the collective assets and stock rights of farmers who settle in cities, and also the last line of defense for rights relief. However, due to the lack of current legislation, the boundary between judicial intervention and member autonomy is not clear, and courts often refuse to try on the grounds that it belongs to member autonomy matters, which does not have legitimacy. The pursuit of rural collective economic organizations by their members may also lead to conflicts of interest, which in turn require judicial organs to make fair judgments. Moreover, member autonomy is not perfect and has certain drawbacks. At present, compared to farmers who continue to stay in rural areas, the number of migrant farmers in most areas is relatively small, and in fact, they have separated from rural life and production activities, making them vulnerable in democratic decision-making. With the increase of time away from home, the emotional connection elements are gradually becoming indifferent, and member decisions made through democratic majority decision-making may infringe on their interests. Only when judicial authorities intervene and handle disputes between the parties fairly can the legitimate rights and interests of farmers who have settled in cities be better protected. Therefore, the intervention and handling of judicial organs have practical necessity. Judicial organs should clarify the boundary between judicial



intervention and member autonomy as soon as possible, balance the relationship between judicial judgment and member autonomy, and clarify the scope of jurisdiction of judicial organs in handling disputes over rural collective assets and shares, in order to achieve judicial justice and protect the legitimate rights and interests of farmers who settle in cities.

In addition, the current judicial adjudication lacks relevant Substantive law norms that can be directly relied on. The legislature should clearly define the scope of collective asset share rights and interests enjoyed by farmers settling in cities as soon as possible. On the basis of identifying the scope of collective asset share rights and interests of farmers settling in cities, it should further clarify which types of rights and interests exist and which violations belong to the scope of judicial relief, We should focus on how to effectively protect the rights and interests of farmers' collective assets to settle in cities to build judicial relief rules, improve the provisions of the Procedural law, refine the rules of judicial adjudication, crack down on infringement, and strengthen the judicial relief of farmers' collective qualification shares to settle in cities.

#### **4.5 Establishment of "Four Histories" Is An Important Measure for Normal Colleges and Universities to Implement the Fundamental Task of Building Morality and Cultivating People**

"History is the best textbook." "Four histories" education is an inherent requirement for upholding and developing socialism with Chinese characteristics in the new era. Normal colleges and universities can educate and guide students of teachers' colleges and universities to have a deep understanding of the "Four History" courses. Over the past 100 years, the Communist Party of China has united and led the Chinese people to explore the road of saving the country and the people, building socialism and promoting socialism with Chinese characteristics. The glorious course of development, deeply appreciate the great practice of the Chinese nation from standing up, becoming rich to becoming strong in modern times, profoundly comprehend the arduous exploration process of China's reform and opening up for more than 40 years and the great creation of daring to be the first in the world, and fully grasp the socialism The course of development, basic characteristics and laws of development, help students to understand "why did China in the 20th century choose Marxism instead of other theories", "why the Chinese Communist Party 'can'" in the history of study, and explain "why China insists on reform and opening up" "Why did China embark on the road of socialism, and why must we adhere to and develop socialism with Chinese characteristics later?" "four histories" course is included in the optional compulsory courses of ideology and politics. "Four Histories" courses are generally offered in normal colleges and universities, which will help students in normal colleges to establish a correct world outlook, outlook on life and values in the process of listening to history, learning history, and Ming history, improving their ideological realm and political literacy, and strengthening love The party's patriotic awareness and the implementation of the responsibility of the times are conducive to the further implementation of the fundamental task of morality and education in normal colleges and universities.

#### **4.6 Establishment of the "Four History" Course Is An Effective Way to Make up for the Shortcomings of the Ideological and Political Course Curriculum System in Normal Colleges and Universities**

Establishment of the "Four History" course is a key part of strengthening the construction of an ideological and political course group with the general secretary's new era of socialism with Chinese characteristics as the core content. The General Office of the Central Committee of the Communist Party of China and the General Office of the State Council pointed out that it is necessary to build an ideological and political course system of "compulsory courses + elective courses" that conforms to the characteristics of the school period, and requires the introduction of "Introduction to the Basic Principles of Marxism", "Mao Zedong Thought and Socialism with Chinese Characteristics" at the undergraduate level. "Introduction to Theoretical System", "Outline of Modern Chinese History", "Ideological and Moral Cultivation and Legal Basis", "Situation and Policy", and "Introduction to Mao Zedong Thought and Theoretical System of Socialism with Chinese Characteristics", "Ideological and Moral Cultivation and Legal Foundation", "Situation and Policy" at the junior college stage and Policies" and other required courses. In general, compared with undergraduate colleges, the three compulsory ideological and political courses offered by normal colleges and universities focus on the indoctrination of the theoretical achievements of Marxism in China, the improvement of students' ideological and moral quality and legal accomplishment, and the tracking of current political dynamics. Update, two courses, "Introduction to the Basic Principles of Marxism" and "Outline of Chinese Modern and Contemporary History", which focus on explaining the theoretical basis of the guiding ideology of the Communist Party of China and China's modern and modern history, have not been set up, resulting in the setting of the curriculum system of ideological and political courses in normal colleges and universities. "Innate deficiencies". Based on this, teachers' colleges and universities selectively offer "four

histories" courses in the form of ideological and political optional compulsory courses, which effectively make up for the deficiencies and shortcomings of ideological and political courses in normal colleges and universities in political history education. It can continuously enrich and improve the curriculum system of ideological and political courses in normal colleges and universities.

#### **4.7 "Four Histories" Courses in the Form of Optional Compulsory Courses Are in Line with the Reality of the Limited Total Hours of Teaching in Normal Colleges and Universities**

Different from the four-year and five-year schooling system of undergraduate colleges, normal colleges and universities have a short schooling system, generally three years, and the total number of credit hours is limited. Students need to complete the rated credits within the specified time before graduation. At the same time, teachers and college students also need to participate in practical training. In 2019, the "Guiding Opinions on the Formulation and Implementation of Professional Talent Training Programs for Vocational Colleges" issued by the Ministry of Education clearly stipulated that "practical teaching hours account for more than 50% of the total hours in principle". Under the circumstance of limited total hours, a large number of practical training hours will inevitably occupy the theoretical teaching hours of the students of normal colleges and universities, and will also affect the total teaching hours of political theory courses in normal colleges and universities. Therefore, teachers' colleges and universities offer "four histories" courses in the form of ideological and political optional compulsory courses. Students can study "the history of the Communist Party of China", "the history of the new China", "the history of reform and opening up" and "socialist development" according to their own needs. Selecting one of the four courses of history" to study, not only overcomes the problem of being limited by the total number of hours of normal colleges and universities and cannot expand the ideological and political course system, but also takes into account the interests and needs of students, giving students a certain degree of autonomy in choosing courses, echoing with the actual situation of ideological and political education and teaching in normal colleges and universities.

## **5. CONCLUSION**

Studying history, crucially, lies in drawing lessons from the past, following the law of historical track and better building socialism with Chinese characteristics, in addition to knowing about historical facts. In that case, must it handling well the relationship between "learning history" and "today's application" in teaching "four histories" by normal colleges and universities, thus to enabling them to apply their knowledge. First, efforts should be seen in organically unifying teachers' "teaching" and students' "learning". Specifically, educators have to play the leading role to stimulate students' internal "history-learning" motivation to aid "today's application" through imparting detailedly and expediently. In this way, students will learn to master history analysis method in the self-construction of knowledge, dissect and handle practical issues making use of Marxist view of history, and revisit policies of the Central Committee of the Communist Party of China, current development path, and public opinion events referring to historical experience and lessons. In addition, it helps to improve the comprehensive quality of students, and realize the teaching goals of " understanding the truth, boosting confidence, advocating moral character and practice preaches through studying history". Second, organically integrating the education of "four histories" into compulsory courses in ideological and political arrangements. Teachers should establish a "big ideological and political" pattern, consciously pour "four histories" into the teaching of ideological and political courses, better act out the fundamental task of strengthening moral education and cultivating people, and maximize effect of ideological and political education, and enable students to work "today's application" while "learning history".

## **REFERENCES**

- [1] Jin Li: Empirical Research on the Land Rights' Protection of Urban-registered Migrant Peasants in the Background of the Integration of Rural and Urban, Issues in Agricultural Economy, Vol.38 (2017) No.11, p.48-59+111.
- [2] Yang Qingui: Thereal Expression and Institutional Response of Protection of Homestead's Rights and Interests for Peasants Settled in City, Journal of Chongqing University (Social Science Edition), Vol.25 (2019) No.3, P.147-157.
- [3] Fang Shaokun, Yuan Xiaoyan: Legal Protection of the Legitimate Land Rights and Interests of Farmers Settled in Cities, Exploration and Free Views, (2023) No.4, p.112-124+179.
- [4] Han Song: Right of Members of Farmers' Collectives to Shares in Collective Assets, Chinese Journal of Law, Vol.44 (2022) No.3, p.3-20.

- [5] Qi Lei, Zhou Lina: Research on the Legal Nature of Rural Collective Asset Shares, *People·Rule of Law*, (2019) No.9, p.27-29.
- [6] Jin Xiangmu, Wang Yongmei: Strategic Deconstruction and Roadmap of the "Three Rights" Issues of Farmers Settling in Cities in the New Era, *Journal of Zhejiang University (Humanities and Social Sciences)*, Vol.49 (2019) No.6, p.147-165.
- [7] Fan Houjie: Research on the Withdrawal of Three Collective Land Rights after Farmers Settle in the City (MS., Lanzhou University, China 2021), p.1-69.
- [8] Roscoe Pound, Shen Zongling (Translator): *Social control Through Law* (The Commercial Press, China 1984), P.1-71.
- [9] Yang Qinggui: The Juridical Logic and Path Optimization of the Bargained Homestead Exit Reform of Farmers Settled in Cities, *Tribune of Economic Law*, Vol.22 (2019) No.1, p.234-251.
- [10] Yang Qinggui: Thereal Expression and Institutional Response of Protection of Homestead's Rights and Interests for Peasants Settled in City, *Journal of Chongqing University (Social Science Edition)*, Vol.25 (2019) No.3, p.147-157.
- [11] Gao Fei: The Legislative Choice of Membership Recognition of Rural Collective Economic Organizations, *Journal of Soochow University (Philosophy & Social Science Edition)*, Vol.40 (2019) No.2, p.37-45+191.
- [12] Dai Wei: Research on the Membership System of Rural Collective Economic Organizations, *Studies in Law and Business*, Vol.33 (2016) No.6, p.83-94.
- [13] Fang Shaokun, Lu Pengyu: The Realistic Judicial Logic of Farmers' Membership Recognition, *Journal of Shandong University (Philosophy and Social Sciences)*, (2022) No.6, p.22-36.
- [14] Yang Qinggui: The Juridical Logic and Path Optimization of the Bargained Homestead Exit Reform of Farmers Settled in Cities, *Tribune of Economic Law*, Vol.22 (2019) No.1, p.234-251.
- [15] Yang Qinggui: The Practical Dilemma and Institutional Norms of Paid Withdrawal of Homestead Land by Farmers Settling in Cities: From the Perspective of Implementing Article 62 (6) of the Land Management Law, *Research on Real Estate Law of China*, (2020) No.2, p.112-126.
- [16] Ye Rujun: Study on the Legal System of Share Transfer of Rural Collective Operating Assets (Ms., Southwest University of Political Science and Law, China 2019), p.1-45.
- [17] Fang Shaokun, Yuan Xiaoyan: Legal Protection of the Legitimate Land Rights and Interests of Farmers Settled in Cities, *Exploration and Free Views*, (2023) No.4, p.112-124+179.
- [18] Gao Hai: On the Withdrawal of the 'Three Rights' of Collective Land after the Peasants Settled in the City, *China Legal Science*, (2020) No.2, p.30-47.
- [19] Dai Wei: Research on the Membership System of Rural Collective Economic Organizations, *Studies in Law and Business*, Vol.33 (2016) No.6, p.83-94.
- [20] Gao Shengping: Allocation of Legal Rights to Contracted Rural Land after the Revision of the Rural Land Contracting Law, *Chinese Journal of Law*, Vol.41 (2019) No.5, p. 44-62.