



The Institutional Dilemma and Optimization Path in the Process of Legalization of Rural Governance

Xuran Zhang

Law School of Shandong University of Technology, Zibo 255000, Shandong, China

Abstract: Under the background of rural revitalization, legalization has gradually become an important goal of rural governance. The legal system not only provides a code of conduct and institutional framework for rural governance, but also provides a basis for the governance body to define rights and responsibilities, deal with disputes, and protect public interests. However, in the process of promoting the rule of law in rural governance, there are still problems such as insufficient system supply, weak implementation, imperfect supervision mechanism and insufficient resource guarantee. On the basis of combing the current situation of the legalization process of rural governance, this paper analyzes its institutional dilemma and puts forward the optimization path.

Keywords: rural governance ; legalization ; institutional dilemma ; optimize the path

1. Introduction

Rural governance is an important part of the national governance system, and the rule of law is an important symbol of governance modernization[1]. The legal system is not only related to the division of rights and obligations, but also the basis for ensuring the orderly operation of rural affairs[2]. With the implementation of the rural revitalization strategy, the process of rule of law is accelerating, but in reality, there are still problems such as the disconnection between legal norms and rural practice and the lack of governance execution[3]. Therefore, it is of great significance to study the institutional dilemma and optimization path of the legalization of rural governance..

2. The realistic progress of the legalization of rural governance

In recent years, with the advancement of the rural revitalization strategy, the legalization of rural governance has made remarkable progress. First of all, the legal system has been continuously improved, and the state and local governments have successively issued a series of agricultural-related laws and policies, providing an institutional basis for rural public affairs management, ecological environment protection, and grassroots democracy construction. Secondly, the village rules and regulations are gradually connected with the upper law, which not only retains the traditional rules of the rural society, but also strengthens the consistency with the national law through the system design, so that the grass-roots autonomy has stronger standardization and legitimacy[4]. At the same time, the coverage of legal education and legal services in rural areas has continued to expand, the legal awareness of grassroots cadres and villagers has increased significantly, and the proportion of disputes resolved by legal means has increased year by year. Some areas have also explored the establishment of a rural legal adviser system and a diversified dispute resolution mechanism to provide villagers with more convenient legal aid and institutional guarantees[5]. In general, rural governance is gradually moving towards institutionalization, standardization and legalization, and the supporting role of the rule of law in the governance system is continuously enhanced, but there is still room for further improvement and optimization.

3. Analysis of institutional dilemma

3.1 Lack of legal supply and adaptability is not strong

The existing laws and regulations are mostly macro and principled, and lack detailed provisions for the complex and diverse actual situations in rural areas, which often leads to the dilemma that there is no law to follow or difficult to operate in the implementation process at the grassroots level. The design of some legal systems is more biased towards the urban environment, ignoring the differences in rural areas in terms of economic development level, social structure, cultural habits, etc., resulting in a disconnection between the system and rural reality, resulting in ' acclimatization '. At the same time, some emerging areas such as rural ecological protection, collective economic development, land transfer, etc., there are still lagging or blank systems, making grassroots governance lack a clear legal basis.

3.2 Weak implementation and lack of supervision

In the process of rural governance under the rule of law, the weak implementation of the system and the lack of supervision are common problems. Some grassroots cadres have insufficient awareness of the rule of law and strong dependence on the implementation of the system. However, they lack the enthusiasm for active implementation, which makes the rules stay on paper and difficult to truly implement. At the same time, the existing supervision mechanism is scattered, the publicity of village affairs is in the form, the channels of mass supervision are not smooth, and there is a lack of effective feedback and constraints. Once there is unclear power and responsibility or conflict of interest, there is often no one responsible, or even 'system idling'. In addition, there is a lack of independent third-party supervision at the grass-roots level, and internal supervision is easy to be humanized, which weakens the authority and execution of the system.

3.3 Lack of resources restricts the process of rule of law

The promotion of the rule of law in rural governance is inseparable from the support of capital, manpower and technology, but in reality, the problem of insufficient resources is particularly prominent. Many rural fiscal revenue is limited, and it is difficult to provide a stable guarantee for legal services, system construction and supervision and operation. Most of the grassroots cadres are mainly part-time, lacking professional legal talents, which leads to strong dependence on system implementation and limited effect. At the same time, the coverage of legal aid and legal popularization activities is insufficient, and the lack of information and digital means makes the promotion and implementation of governance rules lack effective carriers. The shortage of resources not only restricts the authority of the system, but also weakens the sustainability of the process of rule of law.

4. Optimization path exploration

4.1 Improve the legal supply and rural adaptation mechanism

Improving the legal supply and rural adaptation mechanism is the primary link to promote the rule of law in rural governance. At present, many agricultural-related legal systems focus on macro-design and lack detailed provisions for the complex situation of rural society, which leads to the problem of no rules to follow or system idling in practice. Therefore, we should continue to improve the agricultural legal system at the national level, improve the quantity and quality of legal supply, and promote the differentiated design and classified implementation of the legal system in combination with the economic development level, social structure and cultural traditions of different regions. In this process, we should not only strengthen the organic connection between national laws and village regulations and local regulations, but also pay attention to absorbing local experience and governance wisdom, so that the system not only has legal authority, but also is close to the reality of farmers' production and life. By enhancing the pertinence and operability of the system, it can not only avoid acclimatization, but also effectively guide villagers to form recognition and compliance with the law in daily affairs, so as to realize the real support and guarantee of the legal system for rural governance.

4.2 Strengthen execution and supervision

Strengthening implementation and supervision is the key link to promote the implementation of the rule of law in rural governance. At present, some grassroots systems often stay on paper and lack effective implementation and continuous supervision, which makes it difficult for governance rules to really play a role. Therefore, it is necessary to establish a sound system of responsibility for the implementation of the system, clarify the scope of responsibilities of village cadres in the implementation of the system, and enhance the execution by improving the reward and punishment mechanism. It is necessary to promote the normalization and informatization of village affairs disclosure, realize the traceability and transparency of system operation with the help of digital platform, and avoid weakening the effectiveness of the system due to information asymmetry. In terms of supervision, a multi-level supervision system should be established with the participation of the government, villagers and third-party forces, which not only plays the role of daily supervision of the masses, but also introduces external institutions for independent evaluation to reduce the interference of human feelings. Through the two-way strengthening of the implementation mechanism and the supervision mechanism, it can not only improve the effectiveness and authority of the system implementation, but also enhance the villagers' trust and compliance with the system, and promote the rural governance to be truly standardized and long-term.

4.3 Strengthen the protection of legal resources

Strengthening the protection of legal resources is an important condition for promoting the rule of law in rural governance. At present, some villages have obvious shortcomings in finance, manpower and service system, and the legal system is often discounted at the grass-roots level due to insufficient resources. To this end, we should increase financial

investment to ensure that legal services, legal education and system operation have a stable source of funding ; at the same time, it is necessary to establish and improve the rural legal counsel system, attract and train a group of professionals who understand the law and are familiar with the rural reality, and provide villagers with normalized legal advice and assistance. We should also broaden the channels of legal services by means of digitalization and informatization, so that the grassroots can obtain timely and convenient institutional support at a lower cost. Through the continuous improvement of resource guarantee, it can not only enhance the authority and stability of system implementation, but also make villagers rely more on and trust the rule of law in daily production and life, so as to promote the institutionalization and long-term effectiveness of rural governance.

5. Conclusion

The legalization of rural governance is an important path to realize the modernization of the governance system and an important guarantee for the smooth progress of the rural revitalization strategy. The rule of law not only provides the institutional basis and code of conduct in rural governance, but also lays the foundation for the division of power and responsibility, the resolution of contradictions and the maintenance of public interests. With the continuous improvement of the system, the gradual connection between village regulations and superior laws, and the gradual improvement of legal awareness, the process of legalization of rural governance has achieved positive results. However, there are still shortcomings in legal supply, implementation supervision, resource guarantee and multi-coordination. By improving the supply of legal system, enhancing the execution of the system, improving the supervision system, strengthening the input of resources and promoting the coordinated governance of multiple subjects, we can gradually form a governance pattern with perfect system, efficient operation and strong guarantee, and provide solid support for the standardization, long-term and sustainable development of rural governance.

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