

Benefit Conflicts and Program Defects of the Operation of Village Combination in China's Countryside: Also on the Practice Model of Developed Countries

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Abstract

Village combination is a significant social transformation and development event in China's rural areas. In the central government's original plan, the implementation of the policy should run smoothly. As some local governments forced the villagers to accept the merger policy in a radical administrative way, it caused opposition from all walks of life. From the perspective of cost-benefit, it can be found that the implementation of village combination has long-term benefits to the society as a whole. However, due to the neglect of the protection of villagers' legitimate rights and interests in the current operation, the positive effect of the policy is insufficient. In terms of fair compensation, the system ignores the monetary compensation for using the homestead, which leads to the loss of villagers' interests that cannot be effectively filled. Moreover, the lack of current legal provisions that implement the village combination is impossible to follow. At the same time, because of the local government's neglect of applicable laws, it is difficult for villagers to get just legal relief. In addition to discussing the chaos of the current village combination, the main ways that villages merge in developed countries outside the region are also discussed. Through the evaluation of these national practices, it provides a model for the better development of village combinations in China.

Keywords: village combination, cost-effective, fair compensation, procedural justice, foreign practice

1. Introduction

1.1 Background of Village Combination

In the new urbanization process in rural areas, China has implemented a method to realize urbanization in rural areas -- village combination quickly. In essence, village combination means that the local government cuts down the originally scattered rural residential areas and uniformly moves the peasants to the designated places to live. The policy began in Henan province in the 1990s, which was very different from today (Sha, 2022). At that time, the goal of village combination was only to achieve centralized resettlement of villagers, while land rights and interests were focused on equal replacement. In the 1990s, the policy did not change the villagers' original housing types and lifestyles, nor did it take back the villagers' right to use homesteads. However, since the 21st century, earth-shaking changes have taken place in the essential operation of village combinations (Wang, Zhu, & Yang, 2021). From 2000 to 2015, village combination still promoted rural urbanization construction, but it also added the function of implementing "land finance." Land finance is an abnormal production of the rapid development of urbanization in China. It refers to how local governments sell land use rights to developers to obtain financial revenue (Jia & Liang, 2015). In addition, due to the different nature of land in urban and rural areas, the land price in rural China is much lower than that in urban areas; that is, different prices for the same land (Wang, 2010). Some local governments first buy rural land at low prices, turn it into commercial land through administrative means, and then sell it to real estate developers to make huge profit margins. At this time, the village combination has become a measure of land expropriation by the local government. Currently, China strictly restricts local governments from crossing the Arable Land Minimum (Lin & Tang, 2017). After accepting the policy, farmers can not get the same land area elsewhere as in the last century but only get specific monetary compensation. In 2015, due to the contradiction between the rapid development of big cities and the Arable Land Minimum, the new policy of increasing or decreasing cultivated land had applied. The amount of urban

construction land should be increased as much as the amount of cultivated land within the province so as not to decrease the area of cultivated land (Cui, 2020). For example, the increased arable land area of City A can be sold to City B as a land balance indicator so that city B can expand the area of urban construction land. Since then, small cities in the province have implemented village combinations, the villagers initially large area of homesteads expropriation into agricultural land (Li & Zhang, 2021). Thus, small cities can sell their land for fiscal revenue and allow villagers to buy flats to accelerate urbanization. However, some local governments accumulate contradictions between villagers and the government in practice because of radical administration.

Finally, conflicts between local governments and villagers boiled over in Shandong province in 2020. There are two main contradictions: first, the local government only compensates the villagers' houses but does not compensate them for the right to use the homestead, and the compensation is meager. Second, the local government adopts a more radical administrative measure when promoting the combination of villages, which leads to the villagers' disagreement with the government's behavior. Finally, because of the unreasonable monetary compensation and the government's radical administration, the local government lost administrative justice and caused criticism from all walks of life.

1.2 View of the Academic Circle to Village Combination

At present, the academic circles have a different evaluation of the value significance of village combination. Scholars who hold supportive opinions generally believe that the original rural governance model is challenging to adapt to modernization development (Miao, Yu, & Wang, 2022). However, village combinations can lower public management and improve the living environment (Li & Yang, 2022). In addition, it can promote the integration of urban and rural areas, narrow the gap between urban and rural areas, and create a new social order in rural areas (Wu, 2020). Some scholars believe it provides a stable social basis for sustainable agricultural output growth and income (Yang, 2021).

Moreover, the policy makes the scattered villages centralized, conducive to promoting rural urbanization (Guo, Li, & Wu, 2017). Academics who disagree generally argue that urbanization is not all about farmers living in apartments (Zhou, 2019). Fragmentation has reached the grassroots level in China, and the close-knit community life cobbled together by administrative means is not desirable (Li & Bi, 2014). In addition, the low compensation standard, the heavy burden of demolishing old buildings and building new ones, and the low enthusiasm of farmers to withdraw from the village make it challenging to continue the combination (He & Wang, 2021). The local government's alienated understanding of the cultivated land protection system makes the promotion of village combinations unable to improve residents' living standards (Wang, 2020).

This paper takes a neutral position, aiming at objectively analyzing many problems in the current operation of village combination. Significant issues include the high administrative cost of the government, the deviation between the benefit purpose and reality, the absence of compensation for the right to use homestead, and the lack of procedural justice in the local government's organizational behavior. This paper mainly discusses and analyses the current policy of village combination in China. At the same time, the paper discusses the practices of the major developed countries in the face of similar problems and puts forward brief suggestions for the reform of China's village combination.

2. Cost-benefit Value Analysis

2.1 Cost of Village Combination

The realization of the effect of administrative action is inevitably accompanied by the expenditure of respective costs between administrative organs and citizens. The cost of village combination includes two aspects: administrative expenses of government agencies and abnormal expenditures of villagers (Tian, Zhu, & Zhuo, 2015). Among the direct costs, government expenditure mainly includes staff salary, allowance, material consumption, organization operation, and time consumption, among which an enormous cost is undoubtedly economic compensation for villagers. The direct cost (Non-original daily living expenses) of villagers is concentrated in purchasing new apartments and the abandonment of original production and living facilities and tools.

Potential costs mainly include unnecessary financial expenditure and increased administrative risk. The root of all this is the disaccord between the villagers and the local government. Regarding potential expenses, the disagreement between the government and the villagers on integrating villages increases unnecessary expenditures and administrative risks. For example, in the early stage of the process of village combination, radical administrative intervention forced villagers to accept the policy. However, because the resettlement houses have not been built, the compensation funds are too small, the area of new apartments is too tiny and far away from agricultural farmland, and villagers have built simple plank houses in the open space around the farmland. This phenomenon dramatically increases the factors leading to social instability and raises the local government's social maintenance funds. From the villagers' point of view, the government's administrative measures first led to the destruction of their original homes.

Moreover, in the case of inadequate economic compensation from the government, living in simple rooms undoubtedly

significantly increased the economic burden of the villagers. Thus, the decline in villagers' quality of life and the increase in living expenses will be transformed into doubts about the credibility of local governments, which will increase the possible conflicts between villagers and the government. In addition, the lack of social infrastructure services for simple plank houses makes the legitimacy and rationality of the government's administrative measures questioned. As a result, the function of the service government under the doctrine of state omnipotence was obliterated, and administrative orders swallowed up the function of human rights protection.

Error cost generally refers to the cost caused by error or illegal administration in government administrative operations (Wang, 2018). The most apparent administrative mistakes in village combination mainly include the decisive intervention of administrative power, neglecting the actual will of villagers, and limited publicity period. Administrative mistakes will lead to the accumulation of villagers' dissatisfaction with the government and then increase their anti-social and anti-government consciousness.

2.2 Consideration of the Benefits of Village Combination

Administrative effectiveness generally refers to the benefit output brought by administrative actions. It is generally considered that the benefit output in this context is positive. The benefits produced by administrative effectiveness can be classified into tangible and intangible benefits. The temporal and spatial distribution can be classified into short-term, long-term, total, and local benefits (Wei, 2009). The long-term benefits obtained by the village combination are significant. For example, it can activate the market activity of villages and towns and improve residents' living standards. However, as the local government pays compensation to the villagers simultaneously, it has to be questioned by the villagers, which leads to the low short-term benefits. From a province-wide perspective, the land balance indicators created by consolidation can be purchased by large cities in the province. Big cities buy such indicators to provide land reserves for urban expansion and promote their urban development. From this point of view, the village combination's overall social and future effects are favorable for the province and the villagers as a whole.

In fairness, land expropriated or requisitioned in a particular area is generally used for local economic development or conversion of farmland to forest. However, the land expropriated in the village combination is not used for local economic construction but is sold to big cities in the province in land balance indicators. If the development of the whole province is the evaluation object, the integration of villages and settlements can promote the development of the whole region's economy. However, if the evaluation object is the villager, the indicator's buying and selling are more like squeezing the interests of farmers to supply urban development. Throughout history, the early development of industrial civilization was supported by the blood transfusion of agriculture. When industry prospers, it should be an industry that feeds agriculture (Cao, 2016). From this point of view, the implementation of village combination is the merciless plunder of villagers by urban development and the wanton infringement of capital on vulnerable groups. The power of "plunder" comes from the local government's desire for land finance, while the reason for "plunder" is the unclear distribution of homestead rights and interests.

In the optimization of grassroots management, village combination can reduce the number of grassroots organizations and improve the operational efficiency of governments. (Wu, 2022). In terms of ecological function, it can realize returning to farming after leaving the house, which increases the arable land area and optimizes the ecological environment to a certain extent. In terms of intangible benefits, mainly legal, moral, political, and other aspects, the implementation effect of village integration is not good. The implementation of an excellent administrative act should conform to the requirements of the law, but there are apparent legal loopholes in many legal documents and administrative measures in the village combination. For example, to achieve organizational goals, administrative organizations ignore the requirements of the Constitution and relevant laws and want only to involve civil rights and interests, which leads to negative views of the local government by villagers.

Overall, the social and economic benefits of the village combination far outweigh the monetary costs to governments, but most land values are divided between local finance and the big cities. In addition, the tiny compensation villagers receive can hardly support the purchase of housing. The superposition of various factors makes the villagers dissatisfied with the behavior of the local government, thus aggravating the possibility of conflicts between the villagers and the government. At present, how to maximize the protection of villagers' legitimate rights and interests to avoid the occurrence of social conflicts is the most urgent problem facing the local government.

3. Fair Compensation for the Dilemma

3.1 Neglect of Compensation for Use Right of Land (Homestead)

Under prioritizing public interests, Article 10 of China's Constitution states that land and its attached objects can be expropriated and requisitioned by the state under-compensation. In addition, Article 13 of the Constitution emphasizes the inviolability of citizens' private property rights and the state's responsibility for monetary compensation for

acquiring private property. According to the Constitution, the state's property rights expropriated and requisitioned are citizens' private property. At the same time, the object of expropriation and the object of compensation are defined as citizens or legal persons. That is to say, all the subjects of property rights are also the subjects of the right to compensation, and the two cannot be separated. According to the theoretical interpretation of Article 13 of the Constitution, the land expropriated in Article 10 should also be private property, and the object of compensation must be natural persons or legal persons (You, 2016). However, no matter the state system or the Constitution, there is no individual ownership of land in China in the general sense. In constitutional practice, China ascribes rural land ownership to village collective organizations, from which farmers only obtain land use rights. However, the reality is that after the country expropriates rural land, the compensation is not allocated to the collective organization in advance but directly handed over to farmers. After the homestead is requisitioned, the village collective organization does not obtain national compensation. On the contrary, farmers who only owned land-use rights were compensated, which led to the separation of ownership subject and compensation subject.

Due to the consideration of the realistic system, the rights, and interests of Chinese farmers to land only include the right to use. In China, the object of compensation in land expropriation has always been the peasants' land use right, and the collective organization is only the fictitious subject of ownership (Yuan, 2020). Therefore, the source of monetary compensation rights and interests is farmers' land use rights, and the compensation object is villagers. Therefore, the essence of the state in the process of land expropriation is to expropriate the villagers' land use rights. In essence, the change of villagers' right to use homestead is collecting the right to use homestead by the state. The right to use homestead is a typical usufructuary right. From the content of rights, land contract management rights, homestead use rights, and other rights are independent property rights, which should reflect the independent value of property rights (Fang, 2019). The Modern rule of law requires that the state expropriation of independent property rights compensate citizens. However, although the compensation range in village combination is extensive, the compensation of homestead use rights is only missing.

3.2 Gap Between the Amount of Compensation and Loss of Equity

Article 243 of the Civil Code stipulates that the state compensate the land and its attachments when expropriating collectively-owned land. At the same time, villagers should be given reasonable resettlement subsidies to ensure that citizens' living conditions do not decline. In addition, Article 48 of the Land Administration Law also stipulates that fair and reasonable compensation should be paid attention to inland expropriation to ensure residents' quality of life. Compared with the previous, the newly revised Land Management Law pays special attention to both fair compensation and reasonable compensation, which has exceeded the general scope of executive compensation. Fair means equality; that is, the loss of equity and equity gains are equal. The fair compensation should be reflected in the scope of compensation and the amount of compensation in the village combination. However, the non-compensation for homestead use right has lost its fairness in the compensation scope in practice. In addition, in terms of compensation, Heze in Shandong Province provides the subsidy price of the main house per square meter in 500-700 RMB, an outbuilding is less than half of the main house, an adobe house is not priced, and some rooms have 10% to 20% depreciation costs (Lv, 2020). However, the replacement price of the resettlement house in Heze with the original house is about 1100 RMB per square meter, and the excess area is 1800 RMB per square meter. According to Shandong's relevant homestead area regulations, the average down for each household resident is up to 150 square meters, and the resettlement fee after the conversion is only 100,000 RMB. However, these resettlement fees and other subsidies are not enough to buy a building of the same size. The most disappointing thing is that the current compensation standard is far lower than that levied for urban residents of the same area. Due to the development differences between urban and rural areas, the same land area presents a "same land with different prices" pattern between urban and rural areas.

There is no difference between the country's land expropriation and the village combination, which leads to the loss of citizens' land use rights. However, under the banner of village combination, the local government does not compensate the homestead use right and lowers the compensation standard, violating the requirement of fair compensation. Moreover, different village regulations and local culture have created the situation where several generations of Chinese traditional rural families live together (Nie, 2016). Especially in Shandong province, due to the unique rural traditional customs, children and parents live in the same yard, but not at the same time all kinds of daily activities. This cultural phenomenon presents the family as a collective externally but internally as separate living units. However, due to the lack of compensation, villagers cannot purchase large residential areas to meet the needs of their families. Different generations of people living in a relatively narrow space can easily cause the emergence of all kinds of family conflicts. In addition, due to the reduction of housing area, farmers all kinds of agricultural tools, agricultural production tools lost storage space. The resulting hidden expenses add up, and the quality of life is hardly better than before. The increase of all kinds of costs and "land management Law" set in the guarantee farmers' quality of life does not reduce the original intention is contrary. As scholars point out, unfair compensation is bound to cause severe social dissatisfaction and

resistance, which is obviously to be avoided in the system design of any country (Zhang, 2005).

The rationality of organizational behavior requires the government to minimize the loss of citizens' rights and interests but also requires the government to compensate citizens' rights and interests in various ways. In terms of the current compensation method of village combination, it is monetary compensation. However, monetary compensation alone cannot solve all the follow-up problems, such as the radical administrative's psychological oppression of the citizens and the decline of villagers' credibility in the government. From the perspective of fair and reasonable compensation, the current village combination has not realized the government administration's maximum protection of villagers' rights and interests. The legitimate rights and interests of villagers are covered up by the aggressive administration of individual local governments. However, in terms of long-term social benefits, village combination in the future is a crucial measure to achieving China's rural social development. The current task is to issue local legal documents as soon as possible to standardize the implementation of the village combination and pay attention to the compensation of villagers' rights such as homestead.

4. Excessive Administration Damages Villagers' Rights and Interests

4.1 Loss of Procedural Justice

The procedural justice of village combination mainly includes the governmental procedural justice of land expropriation and the approval justice of specific land planning (Hu, 2013). This section mainly discusses the government's lack of justice in land acquisition. The land is the most basic means of production for villagers, directly related to their living standards and future development prospects. Therefore, laws and regulations on changing land rights and interests should ensure procedural justice to the maximum extent while ensuring substantive justice. The legal documents related to village combinations in Shandong province are still under discussion. Although the Administrative Measures expired on January 31, 2020, its role in developing village combinations during the effective period should not be ignored. Among them, it makes a brief provision on the administrative procedure between the government and the villagers in the operation process of the village combination. It can be summarized as follows: a. Give full consideration to villagers' opinions and forbid large-scale demolition and construction. b. Publicizing compensation plans for villagers and holding villagers' hearings. c. Disclose the project schedule and fund allocation.

Although adhering to the provisions of Administrative Measures can not make up for the absence of substantive law, it at least can ensure the maximum legitimacy of the procedure (Liu, 2018). However, in reality, the "Implementation Opinions of Village Combination" in the Heze City of Shandong Province directly delimit 16 towns and townships as the pilot places of village combination. The radical exercise of administrative power directly ignores the critical requirement of fully considering villagers' opinions. In addition, in combining villages and living together, individual local governments in Shandong issued task indicators and internal criticism of the units that failed to complete the indicators beyond the deadline. Under administrative pressure, some grassroots units carried out various acts that seriously interfered with villagers' average production and life and forced them to sign relocation contracts. For example, the police "persuaded" the villagers' consent to move, grassroots leaders personally "talked" with the villagers, and local forces illegally intervened (Xu, 2020). These acts have seriously violated the villagers' will, and there is public power to the private subject of coercion suspicion. (Chang & Liu, 2021). Finally, the Administrative Measures only provide for the hearing of the application of objections to the compensation scheme but do not provide for the hearing procedure of objections to the relocation of land expropriation.

4.2 Absence of a Guarantee Mechanism

Based on the requirement of relevant correspondence, every exercise of state power must provide proper relief somehow. In the practice of village combination in several cities of Shandong province in the spring of 2020, the government always emphasized the realization of administrative efficiency but ignored the protection of villagers' rights and interests. In addition, in practice, the villagers' participation in the whole process is low, and the local government's protection of villagers' legitimate and fundamental rights is seriously absent. Especially in the economic aspects of property rights, security rights, and social supervision, expression, participation, and other rights and interests have been collectively forgotten.

For example, the supervision and inspection section of the Administrative Measures stipulates the legal compliance of the internal operation of the government and ensures the legal and proper operation of the power between the administrative levels of the government. However, it neglects to emphasize protecting citizens' rights and interests stipulated by state administrative actions. Although the "Management Measures" express respecting the villagers' will, it is equivalent to a beautiful moon in the mirror when there is no supporting system protection. In addition, some villagers were forced to "voluntarily" sign the relocation agreement during the operation of the village combination in Shandong province, which resulted in their legal property rights not being adequately protected. Citizens who are dissatisfied with the state administration can bring a lawsuit in court.

Nevertheless, under the significant lack of legal culture in Rural China, it is difficult for the villagers' groups to carry out solid judicial relief. In addition, as rural collective organizations with rural land ownership and as unique legal persons under the civil code, although their rights and interests have been reduced, they still choose to remain silent when facing the offside of public power. Village committees, as grassroots organizations, should protect the legitimate rights and interests of village collective economic organizations and villagers by the law. (Liu, 2021). However, in reality, the village committee has become the "agency" of the higher government to "educate" the villagers to move (Xie, 2012). In addition to the villagers' weak awareness of the rule of law, what is more, critical is the lack of a set of guarantee mechanisms.

SUMMARY

The village combination should be an administrative measure to improve the living standard of the villagers, return the houses to farming and promote the regional economic development. However, in practice, because of the radical administration of the local government, the villagers' legitimate rights and interests are ignored. Analysis of the operating costs of the village combination will find that the administrative expenses in the general sense are only a minority. Non-essential expenses due to aggressive mergers and inadequate compensation mechanisms make up most of the cost. In addition, the increase in administrative risks of the government leads to the increase of funds for social stability and the decline of government credibility. From the long-term and overall social benefit, the implementation of the village and living together is positive. For example, it can improve the living standards of villagers, enhance the efficiency of local governments, and increase the value of land in the region. However, long-term benefits should not be achieved at the cost of neglecting villagers' rights in the short term. The local government should realize both administrative efficiency and administrative benefit in implementing the village combination. Externally, the change of land rights and interests of farmers in the middle of the village is collective land ownership by the state. However, internally, it is almost identical to the effect of state land expropriation. However, village combination allows local governments to avoid paying farmers what would otherwise be high compensation for expropriated land. Thus, the government obtained the villagers' homestead rights relatively lowly. Such practices of local governments are illegal and should be corrected. In addition, farmers' expenses for new apartments and other living expenses cannot be covered under current compensation standards. So, this makes the rationality of the administrative action of the local government questioned. Taking Shandong Province of China as an example, the chaos in the practice of village combination in 2020 mainly comes from the imperfect legal documents and the irregular operation of the implementation security system. In addition, the loss of the function of the village committee to protect villagers' legitimate rights and interests from infringement is also an important reason.

5. Also: Practice Mode of Developed Countries

In China, village combination is bound to show its characteristics because it involves the change of traditional local structure. However, its remarkable characteristics cannot cover up its primary connotation as a change in the operational structure of the autonomous area. Some developed countries have also experienced the reform of grassroots institutional units with their characteristics in the past hundred years. In the past 100 years, Japan, the United States, Britain, France, Germany, and other countries have carried out more than once rural integration, or it could be called "consolidation of autonomous area." In the context of China's practice, rural revitalization is the ultimate goal of implementing village combination. However, based on absorbing beneficial experiences from developed countries can avoid many adverse factors such as administrative overreach and inadequate human rights protection. Based on the analysis and analysis of the merger process of grassroots institutional units in the five countries, "grassroots ally" can be divided into two merger paths.

5.1 Public Power Dominant Type

Generally speaking, the grassroots merger in Japan, Britain, and Germany adopts the mode of public power leading. The main characteristic of this way is that the public authority does not give the citizens the power to resist the act of merger but adds the obligation that the citizens are forced to accept. Of course, there are certain compensations in individual cases.

During the Meiji, Showa, and Heisei periods, Japan experienced a large-scale consolidation of the autonomous area in each period (Jiao & Sun, 2008). Although Japan has established the principle of "independent decision-making and self-responsibility" (Qiao & Luo, 2014) in terms of the relationship between the central and local governments, the decisions of public administrative organs have always been the leading force in promoting the integration of grassroots municipalities (grassroots municipality includes autonomous cities, autonomous villages and autonomous towns). Legislation is the prerequisite for administrative organs to promote the merger of a grassroots municipality. For example, the promulgation of the Law of Promotion Merger of Grassroots Municipality provided the necessary power for the emergence of the merger wave in the Showa period. In addition, the revision of the Special Law of Merger of Grassroots Municipality also contributed to the emergence of the Heisei Merger. (Xiao, 2022). In the end, Japan established the

consolidation model of grassroots autonomous units based on the premise of legislation by the Parliament and starting with the government organization. As in most developed countries, in Japan, grassroots institutional units enjoy a degree of autonomy, as do the autonomous cities, autonomous villages, and autonomous towns are the basic building blocks of Japanese society. The promulgation of the Local Autonomy Law consolidated the autonomous status of towns and villages at the grassroots level. The bill also stipulates that a merger committee should be established to discuss matters. Generally speaking, the merger committee comprises representatives of the local government, the mayor of the grassroots municipality, councilors, and representatives of the town's residents (Wang, 2017). According to legislation, residents should have a certain amount of decision-making power in the merger of towns and villages. However, the reality is that it is impossible to fully realize the autonomy of residents in the merger negotiation led by the local government, mayor, and town council members. As an opinion gathering platform, the combined committee is supposed to bring together the voices of the broadest range of residents. Nevertheless, it became a platform for distributing benefits among the public power holders in the end. In general, the residents of Japan have the opportunity to participate in the merger committee and express their wishes, but their wishes are difficult to be adopted.

In the UK, both the Local Government Act promulgated in 1888, and the Local Government Reform Act in the 1970s emphasized the overall planning of the local administrative division system by the public authority. In terms of rural development, The UK also has the same problems as China, such as low income and education level of farmers and lack of rural medical and health services (Chen, 2018). Therefore, the British Parliament passed the Urban and Rural Planning Act in 1947 to coordinate rural development and strongly support the construction of "market towns," aiming to comprehensively improve economic and social development in rural areas. The construction of "new countryside" in The UK also adheres to the centralized development mode, seeking the merger of villages. Although the British approach follows the policy of adapting measures to local conditions and focuses on consultation with villagers (Guo, Tian, & Deng, 2017), the planning formation does not involve villagers' participation. The British government also relies on a law enforcement force to implement the merger policy. The mode of village mergers in Japan and The UK can be summarized into two forms. One is the top-down model in which the Parliament legislates first, and then the local government implements it. The other is the bottom-up model in which the local government applies for the merger first, and then the Parliament legislates and approves the implementation. Of course, both models can be attributed to the model dominated by public authority. In both countries, residents' participation in the administration is mentioned, but residents' opinions cannot influence the implementation of the merger. In general, the combination of grassroots institutional units in Japan and Britain adheres to the orientation of "legislation-administration." Moreover, it is not easy to achieve specific administrative efficiency optimization by reducing or banning residents' effective participation.

In addition, there was a similar consolidation in the Meiji, Showa, and Heisei periods, and Japan experienced a large-scale consolidation of the autonomous area in each period. in Germany. However, because of the state system of the federal system, the German central government does not have the power to intervene in the merger of basic autonomous units directly. Article 29 of the Federal Basic Law of Germany stipulates the referendum right of citizens, aiming at the change of jurisdiction between the federation and each state. However, article 8 of the Basic Law stipulates that the referendum right of citizens does not apply to the change of jurisdiction of the subordinate units of each state. To sum up, this means that the states have the sole power to determine changes in the local planning of the grassroots institutional units. In other words, even if the residents of the village or town agree to the merger by referendum, it does not take effect without the consent of the relevant bureaucracy. However, compared with Japan and Britain, mergers led by German local governments focus on administrative guidance and advice to residents, and there are certain compensations after successful mergers.

5.2 Democratically Determined Type

America and France have a democratically determined model of integration. This model guarantees the supremacy of citizens in the form of legislation where the process of merging autonomous units at the rural grassroots level. The referendum's result has the direct power to determine whether the merger goes ahead.

American grassroots organizational units insist on autonomous management and have many modes. Municipalities and towns are "independent legal persons" with self-governing charters and great self-governing power; special zones are established according to particular needs and have a quasi-autonomous nature; school districts are branches of the state that have the lowest degree of autonomy (Deng, 2019). Because the structure of autonomous units is different, it leads to the diversification of rural mergers in the United States. However, through abstract analysis, it is found that the amalgamation of municipalities, towns, school districts, and special districts all have similarities. The American model was decided by legislation passed by state legislatures and then by a referendum on whether to merge. In addition to having the final say, citizens also have the right to establish special zones. Enjoyment of the right of creation has exceeded the proposition of protecting citizens' rights and interests and limiting state power. In other cases, the special procedures for protecting citizens' rights and interests are often passively initiated due to the possible infringement of

state actions on citizens' rights and interests. However, the decision of American citizens on the merger of basic institutional units is citizens' active compression of state power. It can be seen that residents living in the basic autonomous units of the United States have a great deal of autonomy over the merger of municipalities, towns, and school districts. These rights stem from America's long tradition of self-government at the grassroots level, and citizens' right to autonomy reflects the country's respect for citizens' due rights. So, it is the most important that the organizational structure and leadership of autonomous units can be changed without the intervention of state power. However, under the Federal system of the United States, excessive local autonomy may affect the acquisition of general national interests.

France has long been optimistic about city and town mergers. Although the reform of the municipal system began in 1890, the progress has been slow. It was not until the 1960s that France began to accelerate the consolidation of small towns after the "administrative problem" of declining local vitality caused by mass migration to cities (Deng & Guo, 2019). The French government's Law of Town Mergers and Restructuring in the 1970s symbolized radical reform. France also adopts a similar approach to the United States. Although Parliament prioritizes legislation, it insists on democratic voting as the final result. Unlike the United States, France has added various procedural designs to the merger process. Although these procedures have greatly guaranteed the mutual realization of national and citizens' interests, they have also caused a tremendous waste of administrative efficiency.

5.3 Internalization of Foreign Practice

Generally speaking, whether the merging mode of grassroots institutional units is dominated by public power or democratically selected, the above countries all adhere to the practice mode of prioritizing legislation and procedures. This measure has enlightening significance in establishing necessary legal rules and strict administration of the law in China. Among several countries, Germany is the only one that explicitly grants each federal subject the right to decide the merger of subordinate towns and villages in its introductory Law text. In addition, Japan, the United States, France, and Britain all regulate rural mergers through special parliament legislation. The national level provides macroscopic legal supply for merging autonomous units such as towns and villages. Then the residents, towns, and villages or select units decide whether to carry out the merger according to the specific situation of the region.

It can be seen that the above-developed countries take special legislation as the basic premise for the village merger. Based on Chinese and Western legal culture, the difference between the government administration concept and the reality is driven by the goal of rural revitalization. Therefore, China cannot simply apply the western model of "all government actions are legislated by parliament." The National People's Congress legislates all administrative matters. However, it involves the transfer of land rights and interests, the change of property rights, and the enjoyment of freedom of migration. Therefore, high-level legal norms must guide the whole situation. At present, waiting for The State Council to issue administrative regulations may be the final way to solve the problem of rural integration. At the same time, it should also be understood that the reasonable solution to the problems caused by the combination of village and residence should be actively explored under the current legal resources to regulate.

All the countries mentioned in this paper generally agree that the consolidation of grassroots institutional units is beneficial to solving the scattered distribution of rural residential areas, backward development, and low economic levels. However, several countries have taken widely divergent views on whether to give villagers the right to veto local government policies on rural integration. For example, Japan, Germany, and the UK have introduced mandatory provisions in their legislation to prioritize public social interest over grassroots democracy and autonomy. On the contrary, the United States and France emphasize democracy and freedom and oppose the state's coercive power in a rural merger. In modern times, the cognition of the state's power is that the state should play the role of a night watchman and should not interfere excessively in the affairs that citizens can self-determine. However, with the expansion of the market and economic development, especially the enthusiasm of civic groups may drown their rationality, resulting in the loss of the overall rights and interests of the society, such as several crashes on Wall Street. Therefore, it is necessary to intervene from national rationality.

In contrast, in the category of civil autonomy, state power has squeezed the most basic and crowded out rights of citizens to the smallest corners. In modern times, the state can no longer extend its dominance to the lowest levels of society, even if the state acts in the public interest and should give citizens the absolute right to vote. In short, public value-oriented policies must not be allowed to become the tyranny of the minority. Modern government theory emphasizes that the transfer of rights is the premise of the emergence of government, so the relationship between citizens and the state is not contradictory from the beginning.

Recommendations

In the village combination, the local villagers oppose the administrative measures of the local government because the villagers have not obtained the protection of their rights from the government. If the local government pays attention to

the balance of rights and interests between villagers and local governments, the current contradictions will not exist. The governance of democratic countries implements the mode of integration of government management and grassroots autonomy. Village combination is the practice of rural grassroots institutional unit reform in China. The Chinese government should actively give play to the function of the grassroots self-government system and practice socialist democracy. The citizen-led model that the United States and France insist on in the merger of grassroots institutional units should be the primary reference for China. The key lesson is that the Chinese government should give villagers the final decision on whether to participate in the integration.

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