

# Study on the Legalization of Rural Governance in Liangshan Yi Area

From the Perspective of the Interaction and Adjustment of Customary Law and National  
Law

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**Abstract**—The customary law of the Yi nationality is the core part of the family clan culture of Yi people in Liangshan. Formed in the long process of life and labor of Yi nationality, it scientifically reflects the distribution of power and duty of Yi nationality, which can effectively adjust the conflict of interest among Yi people. Therefore, in the legalization process of rural governance in the Yi area, it is not conducive to legalization of rural governance to only attach importance to the advancement of national law while ignoring the customary law or dilute its influence. Only by attaching importance to the role of customary law in the process of legalization, paying attention to the conflict and adjustment between customary law and national law, and giving full play to the advantages of customary law on the basis of rational utilization of customary law without violating national law principles, and integrating customary law and national law, can legal workers better solve the problems of rural governance and legalize the process, so as to construct harmonious and civilized countryside.

**Keywords:** *Liangshan Yi nationality, customary law and national law, rural governance, legalization*

## I. INTRODUCTION

In recent years, the economic development of Liangshan area has been rapid, and the production and living standards of the rural people in Yi area have been improved to a certain extent. In view of rural governance, the 19th National Congress of the CPC also proposed to build a social governance pattern featuring "co-construction, co-governance and sharing", so as to establish a rural governance system combining "rule of law, rule of virtue and autonomy". However, up to now, the Liangshan Yi area is still facing a series of problems, and the legalization in Yi area rural governance encountered many obstacles. Therefore, how to rationally use the role of customary law, to coordinate the relationship between customary law and national law in the process of rural legalization, has become an urgent problem to be solved. This paper will analyze the problems existing in the villages of the Yi nationality area, and then explore the way of the legalization in the villages of the Yi area.

## II. THE MAIN PROBLEMS EXISTING IN THE RURAL LEGALIZATION MODE IN LIANGSHAN YI AREA

At present, the construction of the rural legalization mode of the Yi nationality in Liangshan is confronted with various obstacles, which are closely related to the existing problems of the rule of law in the Yi villages. China's policies and regulations on the top level design is complete and is beneficial to people's production and life, but problems arose due to the special cultural and geographical environment in rural grassroots areas, some grassroots staff's inappropriate methods of the rule of law, and lack of a strong sense of responsibility and so on, and countryside of Liangshan Yi nationality is thus no exception.

### A. *Some grassroots staff's inappropriate methods of legalization — prevalence of laissez-faire and makeshift governance*

In Liangshan Yi villages, which are usually located in remote mountainous region, it is not easy for grassroots management to carry out, and laissez-faire and makeshift governance is very common. This governance mode can not only reduce the work load of the grass-roots workers, but also allow villagers to share governance risks. Once governance problems occur, there will be an excuse to shirk responsibility and avoid legal responsibility. For their own sake, part of the rural basic-level managers the grass-roots staff don't make every effort to complete the work benefiting villagers yet having a long payback period. Instead, they adopt an attitude of "non-action" and "let it go". Sometimes they engage in formalism for their own benefit, not for the benefit of the villagers but just to cope with the task given by the superior leaders. For example, in recent years, targeted poverty alleviation has been in full swing in the Yi ethnic areas. While some areas have achieved economic development, some others have not yet been lifted out of poverty. In addition to other factors, there is some staff at the grassroots level that is negligent in their duties. When faced with the task of poverty alleviation with a long and arduous payback period, they do not do their best and evade their responsibilities. Besides, in the face of matters of rural health

and environmental services, rural ethics etc. with a long return cycle, grassroots staff tends to pay even less attention or engage in formalism, and just finish the job carelessly.

*B. While customary law dominates, national law is marginalized*

Historically, the society of the Yi nationality in Liangshan was relatively closed, and no ruler in any dynasty ever fully penetrated their power into the Yi area, so the Yi society formed a set of unwritten rules for self-management and self-settlement of various affairs, that is, the Liangshan Yi customary law relying on the support of family clans. The Yi people has formed a psychological dependence on the customary law and are influenced by their traditional culture inveterately, thus the customary law has a broad mass basis in Yi villages. In addition, the cost of resolving disputes is low. Up to now, many Yi people still cannot settle disputes without the customary law, which relies on the support of family clans. However, some regulations in customary law are in conflict with national law, and some disputes are handled improperly. Therefore, if all disputes in the Yi community are settled by the customary law, it will bring great negative influence to the Yi community in Liangshan. Today, however, almost 98 percent of the Yi villages in Liangshan still follow the customary law, with national law being aided only by when necessary. The author has been to many Yi villages in Liangshan, and when villagers are interviewed, people from 80-year-old to 7 master well or at least know a thing or two about the Yi customary law, from the aged of 80 years old to the children as young as 7 years old, they are all proficient in or know something about the Yi customary law; while when it comes to related regulation in the national law, except a few, their knowledge stays at the simple awareness that "one will be imprisoned if he or she kill people". In some extremely remote Yi villages, Yi customary law has become the only law followed by villagers to settle all disputes. Even some criminal cases are also settled in accordance with the traditional customary law in an unreasonable and illegal way. As things continue this way, the national law has been marginalized, which brings with it the difficulty of the country's social governance at the grass-roots level of the Yi village.

*C. Policies and regulations are not well publicized and targeted poverty alleviation efforts are in trouble*

Aiming at the poverty problem in Liangshan, it is particularly important to carry out accurate poverty alleviation in Liangshan. However, due to the lack of law education and publicity, the villagers' concept of rule of law is weak, and the implementation of targeted poverty alleviation in Liangshan Yi village is also in deep waters. At present, the general procedure of targeted poverty alleviation is "application by peasant households — evaluation by villagers' congress — township review — county-level review — public announcement — establishment of documents and approval card", and the identification of poverty alleviation cadres is basically conducted according to this procedure. However, in the implementation process emerge the following problems. First, in today's Liangshan

Yi villages, young and middle-aged members in many families go out to work, leaving only illiterate old people, children or women. These elderly people, women and children are basically illiterate or semi-illiterate and the general law popularization methods such as posting announcements do not apply to them. Therefore, they do not understand the poverty alleviation procedures and do not participate in them, resulting in some poor households not participating in the targeted poverty alleviation process. Second, due to the inadequate publicity of law popularization, some villagers fail to correctly understand the poverty alleviation work. They have misunderstandings about poverty alleviation and the meaning of poverty relief fund. Therefore, it is easy for them to have conflicts with village cadres in the process of striving for the quota of poor households, thus failing to lift themselves out of poverty smoothly. In recent years, the government has implemented targeted poverty alleviation, but the economic development of some Liangshan Yi villages is still slow. In addition to history, geography, natural environment and other factors, the lingering poverty is largely due to the clear disconnect between targeted poverty alleviation and community-level governance, the failure in a good publication and implementation of the relevant policies and regulations, in the realization of the goal of targeted poverty alleviation in social governance so as to make the object of poverty alleviation into an organic unity of self-help and dedication to society

**III. THE FUNCTION OF LIANGSHAN YI NATIONALITY'S  
CUSTOMARY LAW OF FAMILY CLAN IN THE VILLAGE  
MANAGEMENT IN YI AREA**

Before the democratic reform, the Yi nationality was basically in a state of anarchy, so there was no sound legal system formulated by the state. All disputes in the Yi nationality area are settled in accordance with the customary law of convention agreed by the family clans. The customary law has been gradually perfected in the process of settling disputes. Nowadays, the customary law still plays an essential role in the village administration of Yi nationality. However, due to the limitations of the customary law itself, it has both positive and negative effects on rural governance.

*A. The positive effect of Liangshan Yi nationality's customary law on Yi nationality's village management*

*1) Efficient and low-cost dispute resolution to maintain rural peace and stability*

Liangshan Yi villages are generally located in remote areas with slow economic development. A dispute can take at least a few months to be resolved because of the national law proceedings are complex and time-consuming. Therefore, villagers choose customary law unconditionally when dealing with some civil disputes. The use of customary law to resolve disputes is smooth because of its low cost, quick results and wide public support. In Yi villages, everything from cases involving homicide to disputes between neighbors or between husbands and wives is settled in accordance with the customary law. Because disputes can be

handled and digested in a timely manner, public order in the countryside can be maintained well. To some extent, the customary law has maintained the peace and stability of the Yi rural society.

*2) Collective cooperation and mutual assistance in production promote rural economic development*

An obvious and important norm and characteristic of the Yi family clan's customary law is that members of the clan help each other in times of difficulties, "making up for the lack of individual self-defense ability by the combined strength and collective action of the group, so as to survive and develop the blood group". As mentioned above, the family clan is linked by consanguinity from the beginning. Therefore, members of the family clan are more willing to help each other in order to achieve the common survival and development of the kin. Customary law obliges other members of the family clan to help if any member of the family clan is in trouble. The customary law regulates the behavior of the Yi people in a visible or invisible manner, so the members of the clan put the interests of the clan first and never allow their fellow clan members to descend to begging. In the rural areas, the state implements the system of fixing farm output quotas on the household basis, and this kind of mutual help in production and life has penetrated into all aspects of the life of the Yi people, so that the Yi people in Liangshan have a higher degree of trust in the customary law of the family clans. After the reform and opening up, the market economy based on trust also developed in Liangshan because of the implementation of the customary law. Some of the nimblest, most innovative people in the countryside were able to use the trust of other members of their family to borrow money to start a business. As a result, those who succeed in climbing out of poverty and even into affluence often help other members of their family clan in turn, bringing them on the road to prosperity. This "cell division" model of one family bringing two families and two families bringing four, eventually leads the whole family clan out of poverty. In recent years, this phenomenon is more common in Yi nationality area. On his third trip to Liangshan, scholar Lin Yaohua also encountered such economic talents, such as Chihei Yueri's Buto Tannery, which recruited mainly the children of the Yi nationality and successfully entered the domestic market<sup>1</sup>. Due to the deep-rooted influence of the customary law, the function of mutual assistance in production among family clan members still exists and is very common in the villages of the Yi nationality area, but with the change of the society, the way of mutual assistance has changed. To sum up, the family clan's function of collective mutual assistance can promote the development of rural economy in Yi area.

*3) Policy publicity and political participation to stimulate rural political mobilization*

The political participation of villagers in minority rural areas is an important standard to measure the degree of local democratization. Since the implementation of the system of

regional ethnic autonomy and villagers' autonomy in Liangshan rural area, the democratic politics of villagers of the Yi nationality has developed to a certain extent and the awareness of political participation of Yi villagers has been improved, so has the degree of political participation. This is in stark contrast with the weak political mobilization in the process of village self-governance, the villagers' general lack of enthusiasm to participate in the election and supervision, the situation that in some Chinese villages, no villagers even showed up for the election, and the problem of villagers' insufficient political consciousness and weak sense of right and responsibility, etc. The enthusiasm of these Yi villagers for political participation is mainly derived from the customary law of the Yi people, in which the interests of the family are the primary concern and members are obliged to fight for the honor of the family clan. In Liangshan Yi area, villagers' political mobilization is extremely efficient when it comes to issues of collective concern such as elections, which may affect the interests of their family clans. Supported by the customary law of the clans, members of each clan would take an active part in such matters, and after the election, the clans in the countryside would supervise each other. In addition, due to the need of village committee election, each clan carries out government policy publicity among the members in their clan, so that they can understand the preferential policies of the country in various aspects, as well as the rights and obligations of citizens. In this way, to a large extent, the publicity work has been done quickly and effectively. At the same time, due to the interest relationship in the election, the elected members of a clan will be monitored by members of other clans at any time, which can well avoid the situation of "free riding" in dealing with public affairs. Also, in the engagement over and over again, the villagers' political awareness gets stronger and stronger, so with increasing rights protection awareness, they will voluntarily participate in the supervision and rights protection actions.

*4) Social security of mutual support enhances social stability in rural areas*

There is a proverb of the Yi nationality, "fish live by ponds, while Yi people live by family clans". The production and life of the Yi nationality cannot be separated from the family clan, because in the customary laws and regulations of Yi clans, members of the family clan will stand up in case of any difficulty faced by other members. In recent years, with the increase of social mobility, many Yi villagers have also gone out to work, which has brought many social problems, causing a lot of troubles and pains to the relatively closed and quiet Yi rural society. In early 2000, lured by the "outside world", many male villagers of Yi nationality went out blindly. Due to the lack of relevant knowledge, some people have become addicted to drugs, thus increasing the number of drug users and drug dealers in the Yi nationality area, as well as criminal cases such as theft and robbery. This was followed by an increasing number of widows and widowers in the Yi rural society, which is described in detail

<sup>1</sup> Marx Engels Selected Works IV, People's Publishing House, 1972, p. 83.

in book "My Brothers in Liangshan" <sup>2</sup> by Liu Shaohua, a scholar. In this special period, the customary law stipulated that the family clan must help its members to be clean, help to raise orphans, and take care of the lonely elderly, etc., which led to the phenomenon that "there are no beggars in the Yi nationality". These norms of the customary law of family clan have influenced the social stability of Yi nationality villages to some extent. In addition, the customary law of family clan also has social security function for the villagers of Yi nationality. According to the customary law of the family clan, members of the clan have the duty and obligation to help each other and face with each other when they meet the situation such as wedding or funeral or paying life compensation<sup>3</sup>. In the event of a death, members of the same family clan would share the "erpu"<sup>4</sup>, etc. At the same time, the family clan will also support the unsupported elderly and children, etc. according to the customary law. In some other Yi villages, there have also been cases where members of a clan have collectively paid for the college education of well-performing children from extremely poor families or of orphans in the clan. Therefore, when the country's rural social security system has not been specifically implemented in these remote Yi villages, these functions of the customary law of family clans well meet the needs of the Yi people in remote Yi villages, so that they can work together in difficult times. The social security function of the customary law can temporarily make up the deficiency of the national law to some extent and stabilize the Yi rural society.

*B. The negative effect of Liangshan Yi nationality's customary law on Yi nationality's village management*

*1) Excessive reliance on customary law that weakens the township leadership*

With a strong atmosphere of family clan culture, the dominant role of villagers' self-governance is very prominent. When dealing with rural public affairs or disputes among villagers, whether criminal or civil, Yi villagers always rely on Degu to solve them in accordance with the customary law, rather than the grass-roots township personnel. When dealing with disputes or coordinating public affairs concerning village interests, the words of Degu, who is often the "judicial spokesman" of the Yi people and the main enforcer of the customary law of family clan, are more effective than a few days' efforts of the grassroots staff. Over time, the villagers have become more and more dependent on the customary law, and their understanding of the national law has remained stagnant. As a result, the relevant departments at the township level perform practically no function for them.

<sup>2</sup> Lin Yaohua. Three Visits to Liangshan (ii) — Exploring the New Subject and Prospect of Liangshan Yi Nationality's Modernization [J]. *Social Science Front*, 1987(01): 290-297.

<sup>3</sup> Liu Shaohua, *My Brothers Liangshan*. Central Compilation & Translation Press, 2015.

<sup>4</sup> According to the Yi customary law, if friction between two people leads to the suicide of one person or the death of one person, the surviving party has to pay a sum of money to the family of the deceased, known locally as "life compensation".

*2) Valuing people over penalty — some disputes are improperly handled according to the customary law, which affects the legal construction in the countryside*

Although it is effective and low-cost to deal with rural civil disputes by using the customary law of family clan, there are sometimes problems of improper settlement of disputes because the customary law emphasizes morality over law and the people over penalty. First, when homicide disputes occur in Yi area, like the "suicide cases" (referring to that one party choose to end his or her life by suicide, etc. after the conflict between two party), according to the customary law, the family of the deceased will take a large number of members of the family to the other side to claim the life compensation. Once the negotiation doesn't go well, they will smash and loot the family. The fights with weapons between different clans triggered by such thing still happen, not as frequently as before, though. In the past, most of the Yi villages have been the involved in clan fighting. Second, in some cases also involving homicide, where the customary law of family clan was applied, the criminal did not receive due punishment. There was once a typical example <sup>5</sup> in which one man engaged in the murder of three lives only paid a small amount of life compensation in accordance with the clan customary law of the Yi nationality due to the poverty of his family, and finally the relevant departments of the state intervened and made him receive life imprisonment according to the national law. Nowadays, with the progress of the society, the ideological consciousness of the Yi people in the countryside has been improved. However, due to the deep-rooted hierarchy in the family clan culture of the Liangshan Yi people, they still prefer to deal with disputes by customary law instead of solving problems by legal means through relevant government departments. To some extent, the collective illegal events of family clan affected by the customary law have brought unstable factors to the society of Liangshan and brought adverse effects to the construction of a law-based society in the villages of Liangshan Yi nationality area. This is also an urgent problem to be solves in grassroots rural social governance.

*3) Customary law restricts rural democracy and interferes with marriage and family*

The customary law of the Yi nationality was formed gradually in the process of dealing with internal and external affairs in the old period, which to some extent protected the rights of the slave-owner class. Therefore, it acknowledges the existence of hierarchy and draws a clear distinction between hierarchies. Liangshan Yi area is one of the few areas in China that directly transitioned from the slave society to the socialist society. During the slave society period, "many family clans stood and are rigidly hierarchical". The old Yi society in Liangshan was mainly

<sup>5</sup> In Liangshan Yi Area, weddings and funerals require a lot of money. At this point, the other members of the family clan will share this, that is, each family gives part of the money to help the family in need. For example, when someone dies and is given a good burial, the deceased's family has to pay a large sum of money for the deceased's funeral. In this case, each member of the deceased's family clan will help the deceased's family to share some of the expenses, which are called "erpu".

divided into five classes: Zimo, Nuohe, Tu, Aja and Xiayi. The customary law of Liangshan Yi nationality has its definite provisions on marriage (or the customary law of marriage), that is, the boundaries between the classes are clear in Liangshan, and cross-class marriage is not allowed. In the old days, if a person violated the rules of the customary law of marriage and intermarried, he or she would be executed or expelled from his or her family, which was supervised and enforced by the customary law of the family clan. After the democratic reform, although the social class structure and hierarchy of Yi nationality disappeared, the consciousness of ethnic origin still existed in the mind of Yi nationality, and the related norms of customary law still affected the behavior of villagers. For one thing, many villagers in the Yi townships still have the mentality of a person according to customary law with "hard bones" (the person at the top classes of the five), is supposed to be voted, whether or not he is qualified for the job. And some villagers also believe that "a goat is a goat, a sheep is a sheep, a goat does not become a sheep, and a sheep does not become a goat." These ideas restrict the democratic election of Yi villages to some extent, depriving the right to speak of some villagers. For another, villagers still choose to marry "hard-bone" families according to the customary law when they seek marriage. Nowadays, the state advocates the freedom of marriage and love, which is difficult to achieve in Liangshan Yi villages.

#### IV. THE CONFLICT AND INTEGRATION BETWEEN THE CUSTOMARY LAW AND THE NATIONAL LAW IN THE RURAL GOVERNANCE OF LIANGSHAN YI AREA

In Liangshan Yi villages, marriage and family relations, property inheritance and neighborhood relations are mainly regulated by the Yi customary law, while it is difficult for the modern legal systems such as marriage and family law, property law and inheritance law, which seem to be perfect in national law, to play their role in Yi area due to their limitations. Even though the national law plays a role in civil transactions and criminal offenses, its operation depends on the customary law of the family clan, the ethics of the Yi people and even their religious beliefs to different degrees. At the same time, the customary law also has many disadvantages, which need to be debugged and supervised by the national law when dealing with various civil or criminal disputes. The two have both conflict and coordination in the process of dealing with related matters

##### A. *The conflict between customary law and national law in rural governance*

The conflict between national law and Yi nationality's customary law is mainly manifested in civil and criminal aspects. First, the conflict between customary law and civil law: for one thing, it is reflected in the right of inheritance — in Liangshan Yi area, according to the Yi people's customary law, all the property should be passed on to male instead of female. As long as there are sons in the family, the daughter will not have the right to inherit the property. Only when there is no son in the family can daughters inherit the

property. Yet China's inheritance law stipulates that men and women enjoy equal inheritance rights. For another, in terms of marriage, the customary law of the Yi nationality mainly focuses on arranged marriage, and young men and women in the villages of Yi nationality need to get the consent of their parents to get married. Some villages in the Yi nationality area still follow the principle of "cousin first marriage" in the customary law, which is contrary to the freedom of love and marriage and the prohibition of intermarriage by direct blood relatives and collateral blood relatives within three generations in China's marriage law. Second, the conflict between the customary law and the criminal law: there is an obvious conflict between the national law and the customary law in the rural governance of the Yi nationality in terms of the criminal law. The same criminal case may get completely different answers when resorted to customary law and the criminal law. For example, in dealing with homicide cases, the customary law emphasizes the compensation. While a penalty of life imprisonment could be sentenced in an intentional homicide according to national law, criminals can avoid jail if they pay a certain amount of money in the system of customary law. In addition, the "suicide cases" frequently seen in the villages of the Yi nationality area are totally suicidal acts according to the national law, and the person who had a dispute with others which caused the latter's suicide is not subject to legal sanction, but to moral condemnation at best. But in customary law, the other party in a "suicide case" must pay a certain price, which is usually the "life compensation".

##### B. *The integration of customary law and national law in rural governance*

First of all, the customary law and the national law in the operation process can have benign interaction. Generally speaking, in rural governance, customary law will take the initiative to intervene in rural social life. When there is a criminal or civil dispute in the village, the customary law evaluates and limits the behavior of the villagers, regardless of whether Degu is involved in the mediation. But the national law is to follow the principle of "no acceptance and handling without indict", in order to reflect the justice and fairness of the judiciary, and is in a "passive" state. Secondly, the customary law and the national law can realize the "complementarity" in content. For example, in terms of marriage and family, the national law rarely makes mandatory provisions for the fight and quarrel between a couple when they remain husband and wife, unless the domestic violence leads to the breakdown of the marriage, the national law will intervene. In this respect the customary law makes up for the vacancy of national law. In the event of a fight between a couple in the village of Yi nationality, if the a wronged wife goes back to her family and brings her family clan members to her home, the man must kill a pig, slaughter a sheep and buy wine to make amends to the woman's relatives according to the customary law, in order to be reconciled to his wife again. Finally, customary law and national law absorb each other. On the one hand, the national law recognizes the customary law and absorbs the reasonable part of the customary law; on the other hand, the customary

law also gradually operates within the legal norms stipulated by the national law. In many Yi villages, the main implementer of the customary law, Degu, applied not only the customary law in the mediation of cases, but also the national laws and regulations into practice.

#### V. SOME THOUGHTS ON THE LEGALIZATION OF SOCIAL GOVERNANCE IN LIANGSHAN VILLAGE OF YI NATIONALITY

In order to realize the legalization of rural governance in Yi villages and eliminate the problems in the process, it is necessary to coordinate the relationship between the customary law and the national law so that they can give full play to their respective advantages. Therefore, in the legalization process of the Liangshan Yi area, the customary law and the national law should be reasonably combined to display that in which they excel. For example, national law plays an important role in the settlement of criminal disputes, and customary law plays an important role in civil disputes. The following are some thoughts of the author based on the analysis and exploration of the role of customary law and national law in the process of rural governance under the rule of law.

##### A. *National law should grasp the judicial power of rural criminal cases by scientific means*

Yi customary law pays attention to compensation in dealing with criminal disputes. This sometimes leads to the situation where those who commit crimes without due punishment. In addition, there are also some cases of beating, smashing and looting in Yi area, which are recognized by the customary law. Therefore, the national law needs to play a role in the field of major criminal cases. The national law not only relies on the coercive power of the state, but also needs to be widely recognized by the Yi rural society. In the face of criminal cases in the Yi nationality area, the offender shall not escape being investigated for criminal responsibility after making compensation on the ground of appeasement. The national law should improve the enforcement of civil judgments on the premise of protecting the injured party's right of claim.

##### B. *Giving play to the leading role of customary law in the settlement of rural civil disputes*

The customary law has the advantages of quick process and low cost in dealing with civil disputes. And because of the supervision and performance of Degu, the two parties cannot go back on their word after the handling of the dispute. In this respect, the leading role of customary law should be given full play. For example, in rural property inheritance, civil transactions and other disputes, it is necessary to give play to the advantages of the customary law, and make it reasonable and efficient in the jurisdiction of national legal norms.

##### C. *It is necessary to make a choice of promoting and discarding elements of the customary law to reflect the value trend of national law*

There is no doubt that the customary law has irreplaceable positive effects on the governance of villages in the Yi nationality area, but as mentioned above, it also has negative effects on the development of rural society in the Yi nationality area and the unity of ethnic groups. Therefore, only by discarding the dross and taking the essence, developing and inheriting the customary law in line with the trend of social development and reflecting the trend of national law value, can Yi people's rural governance be more conducive to their production and life. For the traditional legal culture of minority nationalities like Yi people's customary law, a tolerant attitude should be adopted. It is not suggested to exclude everything without discrimination, nor maintain the original form changelessly, but to relate it to real problems. Only when continuous innovation is made under the basic conditions, can such culture be full of vitality.

##### D. *Guiding the rational combination of the governance according to customary law and the national law*

With the gradual deepening of the legalization process in China, the national law has subtly cultivated the people in the Yi nationality area in terms of production and life, and gradually infiltrated the villagers' way of life, which has become one of the criteria for their self-restraint. Therefore, at the appropriate time, it will be good to see the rational combination of national and customary law. For example, grassroots administrative personnel can collect and investigate the customary law regulations of various clans or villages, sort out the unwritten customary law regulations in written form, and submit them to the government. Then the relevant departments can make slight modifications on the basis of the original version, remove unreasonable regulations, and add appropriate rules. So the revised regulations of the customary law can serve as the village regulation of the area. In this way, the advantages and legalities of the customary law are included in the national law. And the customary law should take the national law as the criterion and not take illegal ways to deal with disputes. So, "the customary law is inseparable from the national law, and the national law is inseparable from the customary law". This will better benefit the Yi people.

#### VI. CONCLUSION

China still has a long way to go to realize the goal of rule of law in the minority areas. Nowadays, the legalization of Liangshan Yi nationality's rural social governance is still not satisfactory, but it cannot be solved by mechanically imposing the national law. In the governance legalization in minority areas such as Liangshan Yi area, it is necessary to consider the local folk customary law and attach importance to the "native resources" of the Yi society. For the Yi villages in Liangshan, the customary law has penetrated into every aspect of their life, restricting and regulating their behavior, and it is the main basis for them to deal with disputes. Therefore, only by adhering to the value of the

national law, combining the customary law and the national law reasonably, coordinating and narrowing the conflict and contradiction between the two, and realizing the benign interaction and integration of the two, can the legalization on the Yi rural social governance be realized better and faster.

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