



# Research on the Improvement of the Legal System for Ecological Compensation for Cultivated Land in Guangxi from the Perspective of Rural Revitalization

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**Abstract.** The implementation of Rural Revitalization Strategy needs to solve the problem of coordination between economic benefits and cultivated land ecological protection, and the establishment of cultivated land ecological compensation mechanism is the key. The practice of cultivated land ecological compensation in Guangxi faces multiple institutional obstacles, including the lack of integrity in system construction; The scope of compensation and the subject of compensation is narrow; The compensation standard and mode are single in the dimension of operation mechanism; Inadequate supervision leads to the weakening of compensation effect. In view of the above problems, combined with the current situation of cultivated land resources and the legal system of cultivated land ecological compensation in Guangxi, we should learn from relevant domestic legislative experience, improve the legal system of cultivated land ecological compensation in Guangxi, and realize rural revitalization.

**Keywords:** ecological compensation for cultivated land; ecological economy; rural revitalization

## 1 Introduction

As for cultivated land, it is well known that it is related to food security, while the ecological value is ignored. Taking Guangxi as an example, the results of the third land survey showed that there were 3.3076 million hectares of arable land in Guangxi. Ten years later, 794800 hectares of arable land changed into other types of land during this period, and the arable land area decreased, indicating that the land ecological pattern in Guangxi was unstable[1]. In order to maintain the stability of arable land area and quality, relevant policies and regulations should be further adjusted and improved.

## **2 Overview of the Legal System for Ecological Compensation of Cultivated Land from the Perspective of Rural Revitalization**

The traditional view of the academic community defines ecological compensation as a compensation measure carried out by external receptors for external donors. In the field of cultivated land ecological compensation, it is reflected in the compensation given by the users of cultivated land ecological benefits to the creators and providers of ecological benefits. This kind of compensation behavior is not a single dimensional economic behavior, but an overall consideration of multiple values such as ecology, economy and society[2].

## **3 Review of the Legal System Related to Ecological Compensation for Cultivated Land in China**

### **3.1 The Current Situation of Legislation and Policy of Cultivated Land Ecological Compensation at the National Level**

The environmental protection law formally proposed the institutionalization of ecological compensation[3]. At present, there is a lack of more detailed supporting provisions, which reduces the operability. The agriculture law points out that agricultural organizations and farmers have the obligation to maintain cultivated land, and defines the subject of cultivated land protection. The regulation on compensation for ecological protection includes cultivated land in the classification scope of compensation , but the specific scope and mode of compensation need to be formulated in targeted areas, which is lack of operability. In a word, there is no specific legislation for cultivated land ecological compensation in China at present, and the relevant provisions are scattered in various levels of norms. The unclear specific provisions have brought about the disadvantages of being unable to operate. The provisions on cultivated land ecological compensation are more reflected in normative documents, which have guiding significance, but the legal effect is low.

### **3.2 The Status Quo of Legislation and Policy of Cultivated Land Ecological Compensation at the Local Level**

Wuxi has innovated the compensation mode, diversified it; and defined the scope of compensation; Guangxi proposed the establishment of priority areas for soil environmental protection. The above provisions are of great significance for the construction and implementation of the farmland ecological compensation system, but they are too general and not specific enough; Hainan issued regulations to clarify the subject of compensation and compensation and list compensation methods, which pointed out the direction for the implementation of cultivated land ecological compensation. In general, some regions have begun to formulate local laws and regulations or policy documents to regulate cultivated land ecological compensation. Due to the differences in cultivated land conditions in different regions, there are also obvious differences in

the concerns at the normative level. Some regions focus on clarifying the scope of compensation, while some regions have improved the specific operating procedures. However, the provisions in some regions are more general, and in reality, they face the problem of low operability.

## **4 Current Situation of Cultivated Land Resources and Ecological Compensation System in Guangxi**

According to the main data bulletin of the third land survey of Guangxi Zhuang Autonomous Region, Guangxi has a total area of 3.376 million hectares of arable land. From the perspective of slope, the area of cultivated land with a slope of 2 degrees and below is 1.7618 million hectares, accounting for 53.27% of the total area of cultivated land, and the area of cultivated land with a slope of more than 2 degrees is 1.5458 million hectares, accounting for 46.73%. In general, there are more sloping farmland and less Plain Farmland in mountainous and hilly areas of Guangxi. The Guangxi government issued the implementation opinions on the comprehensive implementation of the special protection of permanent basic farmland, which proposed to improve the compensation mechanism, and at the same time linked the agricultural subsidy policy and ecological compensation mechanism to reward and compensate rural collective organizations and farmers; The implementation opinions of Guangxi on strengthening the protection of cultivated land and improving the balance of occupation and compensation clearly stipulates that the compensation principle is 'who protects, who benefits'. The regulations of Guangxi Zhuang Autonomous Region on Land Administration[4] proposed to establish and improve the incentive mechanism for cultivated land protection. To sum up, Guangxi has carried out the exploration of comprehensive ecological compensation. There are few local laws and regulations related to cultivated land ecological compensation, most of which are policy documents, and the system of system construction is not yet perfect.

## **5 The Realistic Dilemma of Ecological Compensation System for Cultivated Land in Guangxi**

### **5.1 The Overall Integrity of the Farmland Ecological Compensation System is Insufficient**

At present, the upper law of the cultivated land ecological compensation system in China is too general, and the lower law is lack of implementation rules, which leads to the lack of integrity of the cultivated land ecological compensation system. At the national level, laws and regulations focusing on the field of cultivated land ecological compensation have not been formulated. Although the environmental protection law puts forward the goal orientation of constructing and improving the ecological protection compensation system, it fails to explicitly include the ecological compensation of cultivated land into its regulation scope. The contents related to cultivated land eco-

logical compensation are scattered in laws, regulations and documents, and lack of operability. From the local level, taking Guangxi as an example, on the one hand, the legislation of cultivated land ecological compensation is not detailed enough, which makes the application of cultivated land ecological compensation blind in local practice. At the same time, the current legal norms are mostly general provisions, which is weak in operability. On the other hand, the provisions on compensation are listed in various regulations and documents, lacking integrity.

## **5.2 Narrow Scope of Compensating and Receiving Entities**

In Guangxi, the cultivated land ecological compensation is mainly promoted by the government or its departments, lacking the participation of multiple subjects. The government is not the only beneficiary of cultivated land ecological protection, and other organizations and individuals should also participate in the compensation work. At present, the main body of compensation in Guangxi is governments at all levels, and the actual upper limit has narrowed the scope of the main body. The subjects of compensation stipulated by Guangxi are rural collective organizations and farmers. The reform system of 'separation of three rights' is being implemented in rural land in China[5]. After the land transfer, the subject of compensation has also changed accordingly. The cultivated land contractor is the subject of compensation, but it does not directly protect the cultivated land, and the user is the main force of protection. Only rural collective organizations and farmers are listed as the subject of compensation, ignoring some subjects that truly protect the farmland ecology, and violating the principle of 'who protects, who benefits'.

## **5.3 The Compensation Standards and Methods are Relatively Single**

The calculation method of compensation standard is rough and lack of scientificity[6]. Guangxi implements the unified compensation area basis and compensation standard in the same county, which is based on the confirmation and registration area of rural land contractual management right, and can not accurately reflect the function and value of cultivated land ecosystem; There are differences in soil quality and ecological value of cultivated land in different regions. Therefore, it is of great significance to include the ecological value into the consideration of cultivated land ecological compensation standard. Guangxi mainly relies on the government transfer payment in the way of compensation, which has two disadvantages: first, it relies too much on the government and ignores the possibility of market participation in cultivated land ecological compensation; Second, the single source of funds makes local governments bear a greater financial burden.

## **5.4 Inadequate Supervision of Ecological Compensation for Cultivated Land**

The Guangxi government is both an ecological compensator and a regulator. Although the regulation on ecological protection compensation requires the government to disclose the specific situation of the compensation work and accept the supervision

of society and public opinion, the provisions are relatively general and difficult to fundamentally solve the problem. On the one hand, the internal supervision of the government is weak. Cultivated land ecological compensation involves many departments, such as natural resources, ecological environment, etc., and multi-party management is prone to confusion of management responsibilities. At the same time, the functional departments are not unified in the recognition standard of cultivated land ecological value, and the communication mechanism is not smooth, which makes it difficult to accurately evaluate the effectiveness of cultivated land protection. On the other hand, social supervision is weak. In the whole process of cultivated land ecological compensation, the participation of subjects other than the government is not high, so it is difficult to form effective supervision on the process of cultivated land ecological compensation.

## **6 The Path to Improving the Ecological Compensation System for Cultivated Land in Guangxi**

### **6.1 Strengthening the Overall Construction of the Farmland Ecological Compensation System**

The State Council has promulgated the regulations on compensation for ecological protection, which includes the ecology of cultivated land, but there are still some rough regulations, and the specific compensation measures need to be further refined. As far as Guangxi is concerned, the existing farmland ecological compensation laws and regulations can be used to build relevant systems. On the basis of adhering to the principle of ‘the one who protects, the one who benefits’, enumerate the compensated subjects including rural collective economic organizations and farmers, and expand the scope of the compensated subjects; In the ‘several measures for deepening the reform of ecological protection compensation in Guangxi’, the specific provisions on compensation standards, methods and supervision were refined. In the land management regulations, it is clear that the government should be one of the compensation subjects, not the only one, and the scope of the compensation subject should be expanded by enumeration.

### **6.2 Expand the Scope of Compensation and Beneficiaries**

The regulation on compensation for ecological protection encourages social organizations and local governments to implement compensation[7]. In fact, it is an expanded provision for the subject of ecological compensation. The subject of cultivated land compensation should include enterprises and public welfare organizations, not just the government. To improve the provisions of Guangxi on the compensation subject, it should be clear that the compensation subject includes governments at all levels, some enterprises and public welfare organizations in Guangxi. The subject of compensation should also be legally and appropriately expanded. First, define the status of village collective organizations and farmers as the subject of compensation. Secondly, con-

sidering the implementation of the policy of ‘separation of three powers’ [8], bring the cultivated land operator into the scope of the subject of compensation; Finally, the governments of some regions should also be included in the subject of compensation, such as the areas where a large area of food crops are planted. When protecting the ecological environment of cultivated land in the region, it is bound to lose other economic development opportunities. For the principle of fairness, the governments of these regions should be compensated.

### **6.3 Enrich Compensation Standards and Methods**

The compensation standard should consider the ecological value of cultivated land. The Guangxi government should first assess the ecological function of cultivated land and collect basic data on the distribution of agricultural land through technical means; Secondly, we should fully consider the cost invested by the right subject in the implementation of ecological protection on cultivated land and the possible cost loss, and then determine the appropriate amount of compensation combined with the benefit of the beneficiaries; In addition, the financial capacity of local governments should also be considered; Finally, the compensation standard can be dynamically adjusted according to the actual situation and updated every five years. In terms of the diversification of compensation methods, Guangxi can adjust measures to local conditions. On the one hand, technology and education compensation should be paid attention to. The Guangxi government can organize farmers and environmental protection related practitioners to participate in green agricultural technology training. On the other hand, market compensation can be introduced to relieve financial pressure.

### **6.4 Establish an Effective Supervision Mechanism of Cultivated Land Ecological Compensation**

Combined with the practice of implementing the ‘farmland head system’ in Guangxi, the task of farmland ecological compensation supervision can be entrusted to the farmland head for implementation. The original intention of the establishment of the farmland head system is to strengthen the protection of cultivated land and carry out grid supervision. The supervision of cultivated land ecological compensation, such as the distribution and receipt of compensation, should be included in the responsibility list of the head of the field and made public to the public. Social supervision is an important supplement to ensure the fairness of compensation. The government should accept the necessary external supervision and absorb the public participation. On the one hand, we should strengthen information disclosure and regularly announce the progress and effectiveness of compensation work through official websites, public accounts and other new media platforms; On the other hand, the public participation system should be improved, and public opinions can be widely heard through questionnaires, hearings and other forms. Reasonable suggestions put forward by the public should be adopted to ensure more scientific and democratic policy-making.

## 7 Conclusion

Cultivated land, as a natural resource carrying the key mission of human survival and development, is of great strategic significance to vigorously promote the legalization of ecological compensation under the background of ecological civilization construction. This paper focuses on the practical dilemma of the legal system of cultivated land ecological compensation in Guangxi, and makes use of the relevant domestic legal system experience to put forward suggestions for optimizing the current dilemma in Guangxi. By improving the relevant legal system, Guangxi can effectively promote the protection of cultivated land ecosystem, reconcile the internal contradiction between the pursuit of economic interests and environmental protection, coordinate the ecological and economic value of cultivated land, and lay a solid foundation for ecological civilization.

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