

The risk research of the countryside homestead's free circulation rules under the perspective of the farmers

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Keywords: countryside homestead, farmer, Delphi Method, free circulation.

Abstract. At present, the issue of countryside homestead's circulation is outstanding and the introduction of related rules are imminent. Caused the concern of scholars, free circulation rules appeared as the main exploration direction. In This paper, the writer analyzes the current rural land circulation by combining with the literature review, and uses expert's investigation method and Delphi method. Based on the above, the writer researches the risk of the countryside homestead's free circulation rules under the perspective of the farmers and the risk identification, analysis and evaluation. It come to the conclusion that the risk of income distribution, the risk of losing land and agricultural production risk are the main risks under the perspective of farmers. This article has a lot of reference value to protect farmers' rights and solve relevant problems in formulating the circulation rules.

Introduction

The countryside homestead right of use means that villagers have access to the power according to law, the power is that villagers are free from collective-owned land in the village to build housing and ancillary facilities. The basic characteristics of the right shows following: The main body specificity, property free, undated of use, almighty restriction. At present, rural homestead circulation problem becomes more and more severer, Some scholars put forward a new system of free circulation [1]. In this article, the writer explores risk impact according to the free circulation system from the perspective of farmers and makes comments.

Relevant laws and regulations and circulation ways

The current regulation. "Methods of Rural Residential Land Management" regulates that the ownership of the rural villagers' homestead belongs to the collective of the villagers, the villagers only have the right of use and are unauthorized to sale or transfer. "Property law" is promulgated in 2007 for the first time in the form of the basic law and established the usufructuary right of the homestead right of use. At the same time, rural residential land can only be transferred in the village collective internal and not transferred to a group of people outside the collective or economic organization, and can not be secured.

Current situation of circulation. In theory, rural residential land circulation is many in pattern classification. According to the dominant subject it can be divided into government-dominant model (repurchase and finishing), the dominant mode of collective economic organizations (land joint-stock cooperation system) and spontaneous sporadic transfer mode. It also can be divided into the transfer, lease, shares, mortgages and other forms of replacement according to its way.

Transfer between different main bodies include rental, transfer, sale, mortgage, etc. it between different uses include homestead development and reclamation of arable land, residential land for other construction sites, etc.

Literature Review

Rural residential land transfer has been carried out in our country for many years, scholars finished a lot of work on the land circulation.

Many are optimistic about the support or the release of free circulation, they think that collective construction land should be allowed to enter the market, and then revitalize the home base market [1]. These scholars consider that government should end the existing law that limit the farmers' "a homestead, a house" and a half commercialized condition of transferring the limited in village as soon as possible. To give the farmer who is the homestead and the house owner the real right is their another point [2]. There are also some scholars that object to free transfer of the homestead, they think people need to guard against the homestead mortgage, farmland loss, the loss of farmers' rights and interests, and other risks if homestead market transactions are liberalized [3]. Or from the perspective of land, reviewing the history of China's land system change, we can see, the choice of land system itself is a trade-off between the cost of risk sharing and the loss of negotiation cost and efficiency. Some scholars unscrambled the law of rural residential land transfer, for example, the legislative proposals on the right to use residential land [4].

The main points of the above researches can be attributed to the change of the system of the right to the use of homestead, writers forecasts and judges risk by the internal of the homestead circulation and social environment or gives an objective summary by legal disputes and social problems have occurred. It can be seen that these studies are lack of research on the external conditions of rural residential land system changes.

So, this study focuses on the establishment of a complete free flow system and uses Delphi Method to identify, analyse and evaluate risks that may occur within the next few years after implementation under the perspective of the farmers.

Risk identification, analysis and evaluation

In this article, the reform of free circulation system of the right to use cartilage is that the state release the various restrictions of circulation to the use of cartilage according to the law. Farmers will be given the right to use rural residential land free trade, transfer, mortgage, lease and other transfer rights. The risk is defined as the loss of farmers may caused by the new system under risk sources of uncertainty.

1. Risk identification on free circulation system of the right to use cartilage

Set up expert panel. In the process the writer defines the organization and 11 members of the main risk management group, including legal observer, senior engineer, land consultant etc, in order to choose the appropriate risk management method and confirm the basis of risk assessment.

Identify risk factors for the formation of system. This research mainly be studied from the homestead transfer market, and combined with the actual situation. using expert investigation method, the writer surveys these experts from risk group to find out the potential risks of system reform.

Land lost risk. When the homestead transfer mode to free, there will be situation that a large number of urban workers into the countryside to buy a house or a large number of investment houses come into the market. Because rural farmers' economic strength is poor, in such a market environment, the farmers may sell their homestead without taking into account the future residence. as time passes, there will be more farmers will be faced with the risk of losing their houses and nowhere to live.

Agricultural production risk. As an important part of the rural homestead of rural collective land, Rural residential land comes from the rural farmland.

When the homestead enter free trade in the market, as the value of market is higher than the value of arable land, so it is easy to turn homestead land into profit. The huge economic interests between the collective construction land and state-owned land will drive farmers to compete obtain homestead, through various means circulation, causing rural homestead management out of control, resulting in a huge loss of arable land, so farmers and the nation also affected vulnerable to food production.

Deterioration of living environment risk. In recent years, rural land not only has the function of agricultural production but also Ecological landscape function that are more and more attentioned. If the homestead can be allowed to do free trade, more businesses will go into rural areas to carry

out wild property, this may cause the destruction to the rural ecological landscape and even soil resources and groundwater resources, seriously affect people's physical health.

Income distribution risk. The value of residential land use right includes not only the value of the land itself, but also the value of the attached buildings and the surrounding ecological environment. At present, the evaluation system of the use right of homestead is not established, and there is lack of scientific and reasonable evaluation to the land value. In these cases, promoting the listed transaction of the right to the use of homestead may cause the loss of collective and farmers' income, resulting in the loss of farmers' use rights of homestead, but farmers do not enjoy the property value added effect of the economic and social development.

The risk may be subject from Rural society . Chinese traditional rural society based on self-sufficiency of production and relatively closed lifestyle, on this basis it produced a rural life style and moral ethical relationship with its own characteristics. After homestead achieve free trade, "villager" in the traditional sense will gradually diversified, and thus collective economic organizations reduce the incentive to invest in village public services, leading to the public nature of the recession of the village, as originally as the ethical and functional integration villages will be difficult to maintain, and ultimately farmers will gradually lose their homes as a last hope of survival.

To sum up the above risks as follows:

(1) the risk of losing land (2) Agricultural production risk (3) environmental risk (4) the risk of income distribution (5) social risks

2. Risk assessment of residential land transfer system under the perspective of the farmers

First, organizing these experts from risk group to Investigate and consultate. Concrete practice is: giving each expert a questionnaire and let them compare between any two potential risk factors. To be able to make the expression of a unified.

Experts give a relative important judge to the factors and subfactors among the factors in accordance with the criteria shown in Table 1.

Table 1:

scale(Aij)	definition	scale(Aij)	definition
1	factor "I" and "J" are equally important	9	factor "I" is more important than "J"
3	factor "I" and "J" are equally more important	2, 4, 6, 8	importance of "I" & "J" between the above
5	factor "I" is important than "J"	inverse	importance of "I" & "J" contrary to the above.
7	factor "I" is more important than "J"		

Second, After consenting each expert' opinions, to carry out a comprehensive analysis, induction and statistics and then to form the following judgment matrix:

$$A = \begin{pmatrix} (i,j) & L & A & E & I & S \\ L & 1 & 5 & 4 & 2 & 7 \\ A & \frac{1}{5} & 1 & 3 & 4 & 9 \\ E & \frac{1}{4} & \frac{1}{3} & 1 & \frac{1}{8} & \frac{1}{3} \\ I & \frac{1}{2} & 4 & 8 & 1 & 6 \\ S & \frac{1}{7} & \frac{1}{9} & 3 & \frac{1}{6} & 1 \end{pmatrix}$$

("L" represents "losing land" , "A" represents "Agricultural production" , "E" represents "environment" , "I" represents "income distribution" , "S" represents "society")

Standardize it, to calculate the first line of the A firstly, and then divide each row by five elements combined:

$$(19+17.2+2.04+19.5+4.42) / 5 = 62.16/5 = 12.432$$

To get the feature vector of A:

0.3057

Third, to test the consistency of the judgment matrix and calculate the one time index.

$$C1 = (\lambda_{\max} - n) / (n - 1)$$

In the formula: n is the order of the matrix; λ_{\max} is the maximum eigenvalues of the matrix

Figure out λ_{\max}

Calculate the vector $A \omega = AW$

Calculate: $\lambda_{\max} = 1/n \sum A_i/W_i$ make $\lambda_{\max} = 5.34$

Make $C1 = 0.085$, query from random index, can make $CR = 1.12$, then $C1/CR = 0.085/1.12 = 0.076 < 0.1$, so the consistency of the judgment matrix A reaches the requirement.

According to the feature vector W

$$W = \begin{pmatrix} L & 0.3057 \\ A & 0.2767 \\ E & 0.0328 \\ I & 0.3137 \\ S & 0.0711 \end{pmatrix}$$

We can learn that the risk of income distribution, the risk of losing land and agricultural production risk are the most outstanding factors in the risk analysis of free circulation. so, in the reform of the system, nation establish the relevant system to protect the rights and interests of farmers as soon as possible. Adjust the relevant policies to buffer the negative impact suffered by farmers' rural housing security, food supply and income.

Summary

In this paper, Delphi Method is used to forecast and evaluate the risk based on the research of the rural residential land and its circulation. It is important to use feature vector to sort the risk, and it has certain reference value for further controlling and managing risk effectively. Farmers as the most important people in the process of the homestead transfer, it will be more important of practical significance for the formulation and revision to the system policy. But, this method is lack of the probability and degree of risk. if combined with other analysis methods, the research on the homestead circulation is more specifically and scientifically.

References

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