

LEGITIMACY CRISIS OF THE VILLAGE PLANNING IN CHINA AND ITS RESOLUTION

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Abstract: Based on the three-phase legality theory of regulation, standard and morality of the new institutionalism school, the legal basis of village planning is embodied in three attributes: state legal empowerment, industry standard management and public interest expression. The introduction of the Urban and Rural Planning Law in 2008 has endowed the village planning with legal status from the national legislation level, and promoted the legitimacy structure of village planning towards integrity, which has made the village planning officially enter the era of "legalization". However, a comprehensive review of the development results of village planning over the past decade reveals that the current village planning legitimacy structure is now facing some major legitimacy crisis, such as the absence of subject under the contradiction of jurisprudence, the failure of planning caused by the deviation of technical rationality, and the dilemma of seeking a maximization of public interests. The legitimacy of village planning presents a crisis state of complete structure and incomplete function. To resolve the legitimacy crisis of village planning has become an important part of village planning towards public policy in the new era. Based on a comprehensive analysis of the original mechanism of crisis generation, this paper proposes the corresponding resolution paths as follows. Firstly, repairing relevant legal gaps in village planning. Secondly, establishing rational technical guidelines for planning. Thirdly, turning to "contractual village planning" with multi-subject affirmative, in order to promote the village planning legal structure to an ideal condition of form and function integrity.

Keywords: Legitimacy Crisis; Technical Rationality; Public Interest; Multi-subject Affirmative

Introduction

Legitimacy, originated from the western political science philosophical debates about "authority and obedience"(WU, 2011), is regarded as the legal foundation for the establishment of political order for the ruling class(Otfried, 2005). Later, Max Weber(1997) introduced the field of sociology to describe the institutional scenario in which social members identify with the value of political order and generally obey it. Weber believes that the source of legitimacy comes from the political order established by the ruling class. However, this empirical theory of legitimacy polarizes the political color of legitimacy and lacks the value judgment on the justice of political order(LIU, 2018). Based on the discussion on the value basis of legitimacy, Jurgen Habermas(2009) revised Weber's theory of legitimacy from the perspective of rational constructivism, believing that legitimacy should be first based on the values of justice, and then on the recognition and obedience of social members. The new institutionalism school represented by Scott(1998) introduced the theory of legitimacy into a more

secular behavior system and life scene, such as social organization, enterprise management and urban construction. He proposed *the three-phase theoretical framework based on legitimacy*(Table 1), which has become the basic paradigm for the legitimacy research of modern administrative management and social governance(Ying, 2016).

Table 1: Scott's theoretical framework of three-phase legality

Dimension of Legitimacy	Interpretation of Legitimacy Dimension
regulation	Recognition and empowerment of national laws and regulations
standard	Public affairs operation complies with the professional and industry related standard procedure requirements
morality	Operation of public affairs conforms to the moral cognition of social members

In terms of village planning, legitimacy is manifested as the empowerment of national laws, industry standard management and villagers' public interest expression. The empowerment of national laws not only gives the legal basis for government organizations to compile village planning, but also gives village planning legitimacy as a tool of public policy. Industry standard management ensures the value basis of scientific, fair and just contents of planning. The expression of villagers' public interest determines the obedience and recognition of village members to village planning. All three together constitute the village planning complete three-phase legitimacy structure. In the early stage, due to the lack of legal empowerment in national legislation, village planning in China was always in the administrative management stage of government departments, and its relevant rules and regulations were not binding enough to form a complete legal structure in a strict sense. Until 2008, a new version of the Urban and Rural Planning Law of the People's Republic of China(hereinafter referred to as the URPL) has incorporated village planning into the urban and rural planning system in China, giving village planning legitimacy at the national legislative level and providing legal support and institutional guarantee for the comprehensive formulation and implementation of village planning. At this point, the village planning really moves towards the structure integrity stage of legitimacy.

With a decade Implementation of the URPL, the popularization and implementation of village planning in China has been carried out nationwide. However, throughout the whole process of village planning from establishment to implementation to supervision, it is found that village planning is still faced with relevant conflicts and loopholes of laws and regulations, technical failure of planning establishment, implementation and management, relative deprivation of villagers' public interests and many other problems. Village planning is still in a state of complete legitimacy structure but incomplete function. In fact, as a policy tool for the grassroots people's government to macro-control the allocation of village resources, the three-phase legitimacy attribute of village planning has been regulated in the UPRL. To discuss the village planning legality lies in a rational speculation on the empowerment related legislation. *Therefore, based on the three-phase legitimacy theory framework of the new institutionalism school, this paper comprehensively reviews the evolution process of village*

planning empowerment, demonstrates the legitimacy crisis currently faced by village planning from the perspective of legitimacy, and explores the resolution mechanism of legitimacy crisis in combination with the new environment of village planning development in the new era, in order to promote the legitimacy of village planning towards the ideal state of formal integrity and functional integrity.

1. Empowerment process of village planning in China: "Compliance" towards "Legality"

Through a comprehensive analysis of the empowerment process of village planning in China, it is found that according to the difference in the rank of its empowerment law, it can be divided into two stages: "compliance" under the empowerment of administrative regulations and "legality" under the empowerment of national legislation.

1.1 "Compliance" era: village planning under administrative regulations

Long-term since, rural housing construction in China lacks reasonable planning guidance and rigid government control. The demand-oriented village construction is characterized by chaos, disorder and liberalization, which continued until the 1970s. Along with the reform of rural land system and economic development, the phenomenon of a large number of rural houses occupying farmland has gradually attracted the attention of the senior decision-making level of the state(Fang and Liu, 2006). Since 1979, the state council and the ministry of construction have successively issued a series of meeting communiques, technical specifications, management regulations, compilation methods and other guidance documents to guide the responsible subjects, behaviors and technical standards in the whole process of village planning, from establishment to implementation and supervision(Cao, 2012). The documents include two national work conference on rural housing construction, the Town Planning Principles (hereinafter referred to as "Principles"), the Rural Land for Building Management Ordinance(hereinafter referred to as "Ordinance"), the Village or Town Planning and Construction Management Regulations (hereinafter referred to as "Regulations"), the Village Planning Standard (GB50188-93) (hereinafter referred to as "Standard") and Town Planning Method (hereinafter referred to as "Method")(Table 2).

Table 2: Core contents and significance of relevant guidance documents on village planning from 1979-2000

Time	Document name	Core content	Significance of village planning
1979	1st national work conference	Earnestly plan, carefully design. Strengthening policy guidance to village planning and construction	First raise of village planning in the national document, marking that village planning was officially incorporated into the national public management system.
1981	2nd national work conference	Governments at all levels are required to "promptly formulate regulations to guide village planning and	The exploration of village planning goes deep into the level of system construction and explores the legalization of village

		construction".	planning under the legal construction.
1982.1	"Principles"	Construction must conform to the planning, which shall be compiled by the competent departments at various levels.	The legal foundation of village planning has been laid advocating establishment to system restriction.
1982.2	"Ordinance"	Make clear the system construction of village planning of establishment and approval.	Established the "compliance" status of village planning in the level of national administrative regulations.
1993	"Regulations"	Clearly delineate the responsible behaviors and subjects in the establishment, implementation, examination, construction and supervision of village planning.	Clearly delineate the responsibility subject and authority of relevant matters of village planning, which ensures the accurate operation of village planning.
1994	"Standard"	Clearly delineate the professional normative content and operational requirements of village planning.	Standardized the regional differences caused by the disunity of village planning in the past from the professional and technical level.
2000	"Method"	Same as the previous column	Same as the previous column

These documents officially incorporated village planning into the national public management system, promoted village planning from advocacy to institutional constraint, laid the legal foundation for village planning, and made village planning conform to the "compliance" situation of administrative rules and regulations(Kuai, 2010). At the same time, the implementation management of village planning has effectively stopped the chaos in the construction management of the vast rural areas and promoted the standardization and legal development of village construction activities.

1.2 "Legality" era: legal-rational empowerment from the URPL

The aforesaid "Regulations" are administrative regulations issued by the state council, while the "Principles", "Standards" and "Methods" are derived from administrative regulations issued by the state construction department, which are not strictly national laws. In this case, the three-phase legitimacy structure of village planning is in an incomplete state. Due to the weak effectiveness of the above documents, the village planning had to obey the other national laws in the process of comprehensive establishment and implementation, which leads to problems such as lack of motivation, obstacles in implementation and negative law enforcement. Therefore, in order to strengthen the legal status of village planning, solve the problem of rural construction and coordinate the economic and social development of urban and rural areas, the tenth NPC standing committee voted and passed the

URPL in 2007, which was fully implemented on January 1, 2008, marking that village planning officially entered the "legality" era of national legal empowerment.

As village planning is incorporated into the urban and rural planning system by the URPL, the "legality" status of village planning as a guiding document for village development and construction is strengthened, and the establishment, implementation and management of village planning move towards the rigid control stage. Under the legal effect of the URPL, various provinces and cities have issued corresponding regulations, guidelines and measures for village planning, accelerating the process of village planning in China. By the end of 2016, the number of administrative villages with village planning has reached 323,373, accounting for 61.5% of the total number of administrative villages counted. The number of natural villages with village planning has reached 830,335, accounting for 31.73% of the total number of natural villages counted (Figure 1). Village planning has entered the "legalized" development era.



Figure 1: Statistics of administrative and natural villages which compiled village planning during 2007 to 2016.

2. Legitimacy crisis of village planning: legal contradiction, technical deviation and interest dilemma

However, although village planning has obtained the legitimacy empowerment of national legislation, forming a complete three-phase legitimacy structure, there are still some legal principles, technical and moral gaps in its legitimacy structure, resulting in its legitimacy in a state of complete structural form and incomplete function. Village planning is facing a major legitimacy crisis.

2.1 Crisis of regulatory legitimacy: Dislocation, absence and offside of subjects under legal contradiction

As mentioned above, the administrative legitimacy of village planning is derived from the empowerment of relevant national laws and regulations, especially the legal empowerment of the URPL, which lays the legal administrative status of village planning. However, due to the conflict and ambiguity of relevant laws and regulations, village planning faces a legal crisis in the process of compiling and supervising.

2.1.1 Dislocation of establishment subject of village planning under the conflict of laws

First of all, it is the multi-conflict of various laws which leads to the dislocation of the subject of village planning. Article 22 of the URPL proposes that "The people's government of a township or town shall take charge of establishing the township or village planning", which clearly defines that the compilation and administration of village plans shall be vested in the people's governments at the township level. Village planning has become a policy tool for the local government to intervene in rural governance "from top to bottom". However, in accordance with article 111 of the Constitution of the People's Republic of China, "The residents and villagers committees establish sub-committees for people's mediation, public security, public health and other matters in order to manage public affairs and social services in their areas", means that the villagers' committee is responsible for its own public affairs and public welfare undertakings. The Organic Law of the Villagers Committees of the People's Republic of China (hereinafter referred to as the "OL") further clarifies the relationship between the people's government of townships and the villagers committee. Article 5 of the "OL" stipulates that "the people's governments of townships, nationality townships and towns shall give guidance, support and assistance to the work of the villagers' committees, but shall not interfere in matters falling within the scope of villagers' autonomy according to law. That is to say, the responsibility subject of public affairs and public welfare undertakings in the village should be the villagers' committee, and the people's government of townships can only guide and help without intervention. As a policy tool to coordinate the allocation of public resources in rural areas, village planning, like urban planning, expresses the value orientation of public interests (SHI, 2011), which should belong to village public affairs. Therefore, a certain legal conflict can be found between the "top-bottom" village planning system established by the URPL and the villagers' self-government system established by the "OL".

2.1.2 Absence of supervision subject of village planning under the broad laws

As a specific administrative act in urban and rural planning administration, planning supervision must obtain administrative license or legal remedy from relevant legal system when executing (He, 2011). However, the URPL only clarifies the supervision subject of village planning, while without the specific procedures of supervision and administration of the administrative action made specific provision. In this case, the supervision of village planning is often prone to the absence of grass-roots management bodies (Qi, 2011). *On the one hand, the matters involved in village planning and construction are complex and tedious, while the professional and technical personnel provided by the grassroots government are in serious shortage. On the other hand, the village planning and construction under a complex social relations network involves multiple interests, which easily leads to a negative law enforcement.* A survey in Lanxi city, Zhejiang province, proved that village planning professionals are mostly related to villagers, leading to their negative law enforcement behaviors of not dealing with and not punishing when exercising their regulatory powers.

2.1.3 Offside of construction subject of village planning under the fuzzy laws

Article 37, 40 and 41 of the URPL respectively make relevant provisions on the issuance of the planning license for construction land, the planning license for construction projects and the planning license for rural construction. The planning license for rural construction only requires enterprises, public facilities and public welfare undertakings within the planned area of the village to apply to the

people's government of the township or town according to the related laws. *But the relevant construction projects are not required to conform to the relevant content of village planning.* Such fuzzy terms directly reduce the legal effect of village planning, which leads to the possibility that the projects approved with the planning license for village construction in the village may still be inconsistent with the village planning content and break through the control content of the village planning. The survey found that more than 70 percent of rural land violations discovered in Hubei province in 2016 were approved with village construction planning licenses, with 60 percent of those in conflict with village planning.

2.2 Crisis of standard legitimacy: Planning failure caused by technical rationality deviation

The standard legitimacy is expressed as correct technical rationality in village planning. However, due to the deviation and dislocation of technical rationality, the planning is faced with great uncertainty in the establishment and implementation, which is likely to lead to the planning failure (Yu, 2004).

2.2.1 The uncertainty of standards for the establishment of village planning

One is the absence of national technical standards. With the introduction of the new town planning standard (GB50188-2007), the old version of the town planning standard (GB50188-93) was abolished at the same time. But the new standard is only applicable to the town planning and township planning outside the residence of the county-level people's government, resulting in the vacancy of the national mandatory technical standard guiding the village planning (Zhang and Ji, 2008). As the code of conduct and relevant content of village planning are not specified in the URPL, it can neither serve as the unified technical standard of village planning nor provide clear legal support for the content of village planning.

Another is the ambiguity of the content of local technical standards. Due to the lack of unified national standards, within the permission of the urban and rural planning law, provinces and municipalities in China successively issued corresponding guidelines (or regulations, methods, etc.) for village planning establishment as the standards for the compilation of local village planning. Although the establishment subject of village planning and its related contents are clearly defined in the local standards, the implementation, supervision, inspection and other management problems of village planning as well as the reward and punishment mechanism are not clearly assigned with responsibility (Table 3). As a result, uncertain elements appear in village planning and management, and village planning is faced with technical failure.

Table 3: Contents related to standards of village planning issued by some provinces and municipalities in China

Provinces/ Municipalities	Standard	Year	Contents of Implementation	Contents of Inspection & Supervision	Contents of Reward & Punishment
Beijing	Guidelines for village planning (trial)	2017	The implementation plan, responsibility	The supervision and inspection subjects and related	Defined the reward, without the punishment

			subject and technical requirements are not clearly specified	procedures are clarified	mechanism
Shanghai	Guidelines for the establishment of village planning (trial)	2010	The implementation plan, responsibility subject and technical requirements are not clearly specified	The supervision and inspection subjects are not clarified	Not mentioned
Chongqing	Technical guidelines for the establishment of village and town planning	2013	The implementation plan is clarified in guidelines 2.12 and 2.13	Not mentioned	Not mentioned
Jiangsu	Guidelines for village planning	2008	The implementation plan is clarified in the 4th chapter of the guidelines	Not mentioned	Not mentioned
Guangdong	Guidelines for the establishment of village remediation planning	2013	The implementation plan is clarified in the 6th chapter of the guidelines	The supervision and inspection subjects of village planning are not clarified	Not mentioned
Shanxi	Guidelines for the establishment of village planning	2014	The implementation plan is not clarified in the guidelines	Not mentioned	Not mentioned

2.2.2 Inapplicability of the methods and tools of village planning

The second kind of technical rationality deviation is the inapplicability of the methods and tools of village planning. That is to say, planning technology path dependence biased towards city orientation. Under the influence of modern urban planning thoughts, planners tend to directly apply the technical methods of urban planning in the process of village planning, while ignoring the differences between the working base map and the main body of village planning and urban planning (Table 4). As a result, village planning not only violates the "law of natural growth" in rural areas, but also does not conform to the values of "theory that man is an integral part of nature" in rural areas. Problems such as "urban community" and "villagers gathering and going upstairs" are prominent (Mei et al. 2016, Gu and Jiang, 2015).

Table 4: Differences of working base map and subjects between urban planning and village planning in China

Base map or subjects	Contents of planning	Urban planning	Village planning
working base map	Land ownership	State-owned land	Village collective owned land
	Land usage	Urban construction land	Village construction land and agricultural land
	Planning pattern	Mechanical form under guidance	Organic form in free growth
	Social environment	Profit-driven values	The values of harmony between man and nature
Working subjects	Participant	Government, developers, citizens	Village autonomous organizations and villagers
	Service principal	Citizens, developers	Village autonomous organizations and villagers
	Interest subject	Government, developers, citizens	Village autonomous organizations and villagers
	Construction subject	Government and market	Self-built

2.3 Crisis of moral legitimacy: Dilemma of maximizing the public interest

Habermas believes that the political order must be established on the basis of the value of justice, in order to obtain the universal recognition and obedience of social members. The basis of the value of such justice is the value orientation of public interest (Wang et al, 2007). As a public policy of the government to coordinate the allocation of various resources in the village, village planning is a public product involving the vital interests of all villagers. It should and must take the orientation of villagers' public interests as the initial motivation and the maximization of public interests as the final goal. However, in the actual implementation process, the village planning is often easy to enter the dilemma of maximization of public interests due to restrictions such as elite deprivation, operation of black box and symbolic public participation.

2.3.1 Village planning weakens the choice of maximization of public interests

On the one hand, the top-down village planning is motivated by the rural society, economy and land urbanization, and carries out administrative intervention in the allocation of spatial resources and the supply of public products, ignoring the expression of villagers' will and public interests, which results in the weak public interest attribute of village planning. Especially now, with the establishment of the village free economic market, the village has gradually evolved into a compound field of interwoven monetary interest relationship network and emotional interest relationship network. The maximization of private interests based on the principle of individual freedom has become the universal pursuit of social members. *In the establishment process of village planning, there is no balance of interests between the grassroots government, developers, villagers' self-governing organizations, villagers and other multiple subjects, and the "Pareto Optimality" of public interests cannot be achieved. Instead, it enters into the "Sen's paradox Paratian liberal"* (Wang and Li, 2010).

When the value orientation represented by the public policy cannot meet the interest demands of the whole society, the government can only choose to take the maximization of administrative collective interests or part of individual interests as the value orientation, and selectively ignore the multiple demands of the society members. *The village elites such as the village able person and the strong village collective become the biggest beneficiaries, whom also dominate the discourse power of village planning, project fighting and implementation. "Elite deprivation" and "operation black box" appear in the village planning and construction projects, which leads to the village interests from the maximization of public interests to the maximization of private interests.*

2.3.2 Village planning weakens the choice of maximization of public interests

On the other hand, the current laws and regulations have no clear statutory constraints on the public participation mechanism of village planning in terms of procedures and systems, and *there is no unified quantitative standard for the number and degree of participants, resulting in a large flexible operation space for public participation in the establishment process of village planning.* A village survey shows that village planning is often prepared without public discussion by villagers, and the publicity process of village planning only lasts for 15 minutes without any consultation from villagers.

According to "the Theory of the Ladder of Citizen Participation " raised by Sherry Arnstein(1969), China's village planning is still in the stage of "Tokenism" such as "Placation", "Consultation" and "Informing" (Figure 2), which is not true and effective public participation (Zhang and Zhou, 2015).

Such public participation lacks substantial public interest expression channels and planning feedback, resulting in a serious squeeze on the channels for villagers to express public interest. In this case, the villagers lose the main behavior ability and show low trust and resistance to the grassroots government, thus refusing to obey the village planning.

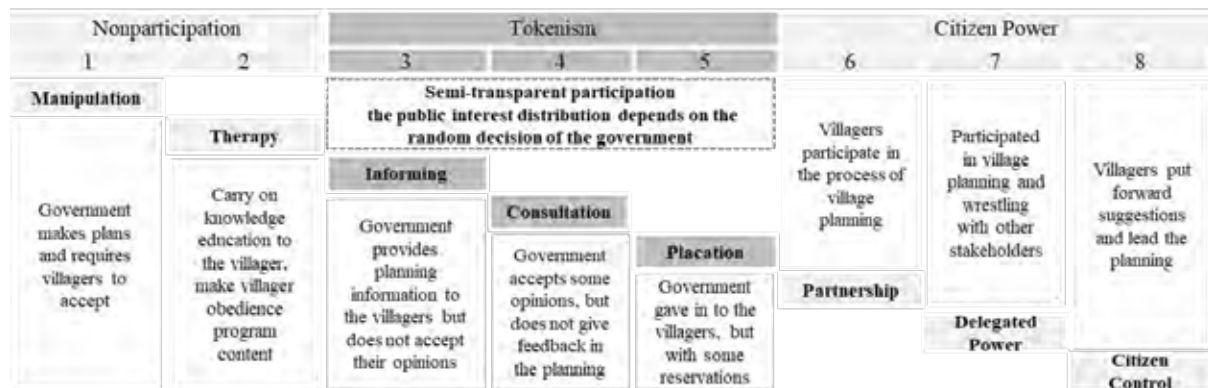


Figure 2: The Ladder of Villager Participation in current village planning in China

3. Resolution of the legitimacy crisis of village planning

To sum up, the legitimacy crisis of village planning comes from three directions. Firstly, the relevant conflicts and loopholes of laws and regulations. Secondly, the technical problems of planning establishment, management and implementation. And the last is the relative deprivation of villagers' public interests.

3.1. Legal remedy of the URPL

He Qiangwei (2001), a Chinese law professor, believes that the rationality of modern urban and rural planning comes from the empowering act of legislation, which directly affects the value basis of the legitimacy and rationality of the administrative act of urban and rural planning. That is to say, the legitimacy basis of the administrative act of village planning is directly related to the full range of empowerment laws and regulations. And the systematic loopholes of laws and regulations directly determine the legitimacy crisis faced by the later implementation of village planning. In accordance with the URPL, Administrative Procedure Law of the People's Republic of China, and Administrative Reconsideration Law of the People's Republic of China, villagers have the right to challenge the establishment and implementation of village planning and its legal status as a normative document, namely the legal right to carry out legal remedy(Chen and Liu, 2001). But in reality, the jurisdiction of this legal remedy cannot cover the national law. Therefore, *perfecting the URPL and establishing the legal remedy mechanism of village planning have become the top priority to eliminate the crisis of village planning legitimacy.*

Specifically, according to the Constitution, the articles of the URPL on the establishment, implementation, supervision and inspection of village planning should be reasonably amended, as shown in Table 5.

Table 5: List of amendments to relevant regulations of village planning in the URPL

Article No.	Original Content	Modify Principle	Modified Content
Article 22	The people's government of a township or town shall take charge of establishing the township or village planning, and shall file such planning with the people's government at the next higher level for examination and approval.	Add contents of villagers' participation in village planning	The people's government of a township shall take charge of establishing the township planning. The village autonomous organization shall apply to the people's governments of a township and town for the establishment of village planning. It shall take charge of establishing the village planning, or may entrust the people's government of a township or town with the establishment.
Article 41	To build facilities within a village planning area, the construction entity or individual shall file an application with the people's government of the township or town, which shall submit the application to the competent department of urban and rural planning of the people's government of the city or county for issuing a planning permit for rural construction.	Add contents of planning permit for rural construction must conform to the content of village planning.	To build facilities within a village planning area, the construction entity or individual shall file an application with the people's government of the township or town. The people's government of a township and town shall examine and verify whether it conforms to the village planning. If yes, the people's government of a township and town shall submit the application to the competent department of urban and rural planning of the people's government of the city or county for issuing a planning permit for rural construction.
Article 52	A local people's government shall report the implementation situation of urban and rural planning to the standing committee of the people's congress at the same level or the people's congress of the township or town, and shall be subject to the latter's supervision.	Add contents of supervision and inspection of village planning	A local people's government.....to the latter's supervision. The implementation of the village planning shall be reported by the villagers' autonomous organizations to the people's congresses of the townships and towns

3.2 Update the standard of village planning

With the revision of relevant provisions in the urban and rural planning law, the technical operation of village planning also requires the establishment of rational technical guidelines for planning, forming the legalization of the whole process from legal provisions to implementation. Therefore, the current establishment system, standard system and technical system of village planning need to be adjusted to meet the needs of the new era of village planning.

3.2.1 Reconstruction of the establishment system of village planning

The current four-level establishment system of village layout planning, village comprehensive planning, village construction planning and special village planning should be adjusted into a three-level system. *Specifically, the contents about village development goals, positioning and comprehensive layout of village layout planning and village comprehensive planning should be incorporated into the mandatory contents of the comprehensive planning at the next higher level as the legal basis for later village construction planning and special planning.* And integrate the remaining contents of the village comprehensive planning with the village construction planning into a new village planning. Ensure the consistency of village planning from planning to implementation, and serve as the guiding basis for special village planning.

3.2.2 Revising the standard system of village planning

Due to the absence of national standards and the chaotic characteristics of local standards, it is necessary to issue the unified national village planning standards as soon as possible and establish a rational village planning standard system to standardize the technical methods and achievements of village planning across the country. In view of the big differences in the social, economic, cultural and ecological environment of villages in various provinces and municipalities, the standard system of village planning need to be divided into mandatory and non-mandatory (Table 6).

Table 6: Revised standard system of village planning

<i>Standards in village</i>	<i>Mandatory or non-mandatory</i>	<i>Explanation</i>
Land use classification	Mandatory	The unified classification of land use shall be determined to ensure the consistency of the planning base map
Infrastructure allocation	Mandatory	Determine the minimum standard of infrastructure allocation according to the building climate zoning to ensure basic living needs
Ecological management	Mandatory	Determine the bottom line of village ecological control and unified demarcation standards for village ecological control areas to protect the ecological environment

Scale determination	Non-mandatory	The village scale should be reasonably determined according to the current population, economy and construction level of the village
Per capita construction land	Non-mandatory	The standard of construction land use should be determined according to the actual per capita land use in villages
Public facility allocation	Non-mandatory	The allocation standard of public facilities should be determined according to the scale and level of villages
Landscape control	Non-mandatory	The requirements for landscape control should be determined according to the actual situation of the village

3.2.3 Rectification the technique system of village planning

We should respect the "natural law" and "value rationality" of villages, get rid of the dependence of traditional urban planning technology path, establish a set of village planning results and technical requirements with strong applicability, and form a complete and specialized technical method for village planning, so as to provide technical basis for village planning in various regions.

3.3 Establishing a contractual village planning

How to give full play to the "public policy effectiveness" of village planning and realize the high overlapping of "policy effect" and "villagers' interests" has become an important basis for the moral legalization of village planning. Modern contract theory holds that village planning is an "inter-subjective consensus" reached by social members based on procedural justice, and also a "contract" result of free choice among multiple interest subjects. Achieving "contract equality" has become an important symbol of village planning towards public policy. From this perspective, village planning should adhere to the principle of contractual equality and achieve a relationship of equal rights among the multiple subjects, so as to achieve a fair result of village planning.

The way to realize the multi-subject equal rights in village planning lies in empowering the people. That is to say, it empowers villagers to participate in all processes of village planning, transforms villagers from marginal groups into behavioral subjects and decision-making subjects of village planning, and changes from "tokenism public participation" to "substantial public participation". The details are as follows:

First, a village planning team should be established, including village autonomous organizations, villagers and planners. Village autonomous organizations are responsible for entrusting planners to establish village planning and organizing villagers to participate in the process of the establishment. Villagers are responsible for coordinating their participation in village planning and making suggestions and interest appeals. Planners need to go deep into the rural site survey, widely collect the real needs of villagers. And they also need constantly feedback the needs and wishes of villagers into the planning scheme to maximize the expression of the public interests of villagers and village

autonomous organizations. Secondly, a fair "contract" should be sought among the grassroots government, developers and the village planning team, so as to balance the interest game among multiple subjects. Finally, on the basis of fair "contract", the village planning team, developers and the grassroots government jointly complete the implementation and management of "contractual village planning".

4. Conclusion

Although the URPL has promoted the legalization of village planning at the national legal level, and also given village planning the legitimacy as the legal basis and technical blueprint for village development from the perspective of national legislation. However, a series of problems still exist in the implementation of village planning, which are rooted in the imperfection of the three-phase legitimacy structure of village planning, the uncertainty of the implementation environment and the instability of the reality foundation. As a complex administrative act, village planning contains a complex process from abstract to concrete, from blueprint to implementation. In the future, further argumentation and analysis are needed to truly promote village planning towards public policies and ensure the legal status of village planning in the process of rural construction.

Numbering

1. Accept; [1]

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