

RURAL LAND TAKINGS LAW IN MODERN CHINA

One of the most pressing issues in contemporary China is the massive rural land takings that have taken place at a scale unprecedented in human history. Expropriation of land has dispossessed and displaced millions for several decades, despite the protection of property rights in the Chinese Constitution. Combining meticulous doctrinal analysis with in-depth historical investigation, Chun Peng tracks the origin and evolution of China's rural land takings law over the twentieth century and demonstrates an enduring tradition of land takings for state-led social transformation, under which the takings law is designed to be power-confirming. With changed sociopolitical circumstances and a new rights-respecting constitutional agenda, a rebalance of the law is now underway, but only within existing parameters. Peng provides a piercing analysis of how land has been used by the largest developing country in the world to develop itself, at what costs and where the future might be.

Chun Peng is Assistant Professor at Peking University Law School. He received his doctorate and master's degree in law from the University of Oxford and holds a double degree in law and economics from Peking University. He has published widely on Chinese constitutional law, administrative law and comparative law in English and Chinese. Besides scholarly work, he writes op-eds on China and the world at *The Diplomat*, *China Daily* and *Caixin*. He also provides consultancy to the Ministry of Land and Natural Resources and local governments on legal reforms in China.

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Origin and Evolution

CHUN PENG

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For my parents, Peng Zhonghao and Wang Shuming

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ABBREVIATIONS

ALL	Administrative Litigation Law
ALUP	Annual Land Use Plan
ARL	Administrative Reconsideration Law
CAC	Constitutional Amending Committee
CCP	Chinese Communist Party
CPPCC	Chinese People's Political Consultative Committee
GDP	Gross Domestic Product
KMT	Kuo Min Tang
IWLO	ideal Western legal order
LAL	Land Administration Law
LALIR	Land Administration Law Implementation Regulation
LUMP	Land Use Master Plan
MLR	Ministry of Land and Natural Resources
MLRSC	Measures on Land Requisition for State-led Construction
NPC	National People's Congress
NPCSC	National People's Congress Standing Committee
PAL	Prime Agricultural Land
PRC	People's Republic of China
RECHSL	Regulation on Expropriation and Compensation of Houses above State-owned Land
RLRSC	Regulation on Land Requisition for State-led Construction
SCP	Short-term Construction Plan
SOE	State-owned Enterprise
SPC	Supreme People's Court
SPR	Small Property Rights
TP	Transition Paradigm
TVE	Township and Village Enterprise
UREAL	Urban Real Estate Administration Law
URP	Urban Rural Plan
URPL	Urban and Rural Planning Law
USSR	Union of Soviet Socialist Republics
VAT	Value Added Tax