

# Dilemma and Countermeasures of Community Residents' Rights Protection from the Perspective of Governance

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**Abstract:** With the continuous acceleration of urban housing privatization, the community interest subjects are gradually increasing, the community interest relationship is increasingly complex, and the community residents' rights protection is gradually warming up. However, in practice, community residents are confronted with difficulties such as lack of legal knowledge, lack of organizational ability and lack of rights protection mechanism. From the perspective of community governance, community residents' rights protection is a specific means and method to participate in community governance. Based on the perspective of community governance, this paper discusses the countermeasures to improve the plight of residents' rights protection from the perspectives of government, community organizations and residents.

## 1. Introduction

Since the major reform of China's housing system in the mid-1990s, the process of urban housing privatization has been accelerating, and the adjustment of community interest relations has become increasingly complex [1]. Conflicts between property owners and real estate developers, property management companies and neighborhood committees are becoming increasingly acute. The phenomenon of community residents protecting their rights is emerging in endlessly, and unstable factors in the community are increasing day by day. In the context of building a harmonious society, the community as the urban grass-roots society, its stable order is the foundation of building a harmonious urban society [2], from the analysis of the plight of community residents rights, this paper puts forward the reasonable countermeasures and Suggestions, so as to enhance the effectiveness of residents rights, to promote the new type of community governance provides important theoretical research value.

## 2. The Dilemma of Protecting the Rights of Community Residents

### 2.1. Lack of Legal Knowledge and Indifferent Awareness of Rights Protection

The construction of a society ruled by law in China is still in its infancy. Although the legal concept has been preliminarily popularized in urban communities with the urban middle class as the main body, the legal knowledge of most members of the society is still very deficient [3]. Young people are limited to work, and most of the subjects of rights protection are middle-aged and old people, who are relatively deficient in legal knowledge. In the case of impaired rights, community residents do not know which legal provisions should be taken as the basis for their rights protection, nor do they know how to carry out their rights protection actions in a legal way. They may take a brutal and brutal way to carry out their rights protection, which seriously restricts the development of residents' rights protection actions. At the same time, under the influence of Confucianism for a long time, Chinese people hold the attitude that it is better to do more than one thing, and have developed a character of meekness for a long time. Citizens generally lack the consciousness of

taking the initiative to protect their rights and interests. As a result, some residents often choose to keep silent when faced with damage to their rights and interests.

## **2.2. The Organization Ability Is Insufficient and the Autonomy Ability Is Not Strong**

From the perspective of rational economic man, rational residents only have a strong sense of protection of private property rights, while they pay little attention to the part of common property that is shared by the public [4]. In addition, due to different values and world views of individuals, community rights protection forces are relatively dispersed. In the case of relatively dispersed individual owners, if there is no establishment of owners committee or owner's committee system is not perfect, the level of organization of collective activities of owners will be low; cannot give full play to the strength of unity, rights protection is more difficult to succeed. Even if the establishment of rights protection organizations, some rights owners after active for a period of time and work, time, energy and other factors gradually disappear, leading to the weakening of rights protection forces. Even under the publicity of the industry committee, there are still owners with the mentality of "free riders" in the rights protection organizations, who just hold a wait-and-see attitude, expecting to fish in troubled waters and reap the benefits.

## **2.3. The Mechanism of Safeguarding Rights Is Not Smooth and the Expression of Demands Is Difficult**

At present, residents' demands for protection of their rights are mainly expressed through administrative complaints, petition letters and judicial proceedings, which are inseparable from government departments. However, many government departments lack the awareness of safeguarding residents' rights. First of all, some administrative departments have not yet put the concept of serving the people into practice, and they are slow and inefficient in dealing with matters concerning residents' rights and interests. Second, the government departments, in order to reduce their own burden, may not want to solve the thorny issue, and take the attitude of procrastination and prevarication to petitioners. Some local governments even take the initiative to infringe the rights and interests of residents by cooperating with some commercial interest groups for the sake of economic development. In addition, the effect of the two approaches, namely letters and visits and judicial proceedings, is not satisfactory. In fact, China's letters and visits department is only an intermediary department, and the handling of practical problems must be transferred from the letters and visits department to the relevant departments. The legal proceedings adopted by the residents at last are also quite complicated and still face many difficulties and repeated procedures.

## **2.4. The Residents are in a Weak Position and it is Difficult to Implement the Achievements of Rights Protection**

In practice, the opposition of residents in safeguarding their rights is often the powerful commercial groups, or even the commercial interest groups that colludes with government officials. Compared with ordinary residents in the community, they have strong financial resources and background advantages, so individual residents in the community are in a relatively weak position. And no matter what kind of rights protection method is adopted, the residents' rights protection action is often a long drawn-out battle, which needs to consume huge manpower, material resources and energy. Such a high cost and cost of rights protection often make many rights protection residents daunted, not to mention the community residents in the future to carry out rights protection actions.

## **3. Study on the Countermeasures of Protecting the Rights of Community Residents**

Previously, it has been analyzed that the community residents fall into the dilemma of lack of legal consciousness, insufficient ability of rights protection organization, poor mechanism of rights protection and complex process of appeal expression. In order to improve the plight of community residents' rights protection and safeguard the residents' reasonable rights and interests, the following will discuss the countermeasures to improve the residents' rights protection in detail from the

government, community organizations and residents.

### **3.1. On the Part of the Government: Changing Functions and Implementing Responsibilities**

#### **3.1.1. Streamlining Administration and Delegating Powers to Safeguard the Vital Interests of Residents**

The 19th CPC National Congress stressed that government agencies should further streamline administration and delegate more power, and transform government functions. Primary-level governments should comply with the requirements to build service-oriented governments, clearly define the responsibilities and powers of the government and the community, and delegate the power to non-profit organizations such as the community business committee, so that the community can fully exercise the right of autonomy in the community's internal affairs. At the same time, the government should simplify complicated procedures, implement the concept of serving the people, deal with the rights of residents without delay, and improve the efficiency. In no case should residents' petitions be kept secret for the sake of performance appraisal and stability maintenance. The trust of residents is the greatest support for the government, while the trust of residents comes from the affirmation of the government's responsibility and the satisfaction of the government's work. Governments, in particular, need to value the trust of their citizens to avoid losing it and falling into the Tacitus trap [5]. Therefore, the government should also implement the system of openness of government affairs, increase the transparency of information, ensure that the information and process of residents' rights protection are open in the dynamic form, create a fair and just competition environment, and protect residents' right to know and participation right.

#### **3.1.2. Support the Development of Community Non Profit Organizations**

At present, all kinds of community non-profit organizations are being established in succession. However, due to the lack of support from the government, the role of non-profit organizations in the community is limited, which is one of the reasons for the heavy task of the current community neighborhood committee. As a bridge and link between the government and residents, residents can participate in the dialogue and decision-making between the community and the government, participate and appeal, express their wishes and needs, and create a good environment and conditions for the community [6]. Therefore, the government and its functional departments should strengthen the guidance and support to the industry committee, community legal aid center and other community non-profit. For example, the government can provide the necessary office space and activity space for the industry committee, and equip it with corresponding office equipment; by purchasing services, it can delegate more projects to community non-profit organizations, give them more autonomy rights, and guide them to help the grass-roots government and the community neighborhood committee to carry out service activities such as poverty alleviation, helping the elderly and the disabled, community education, community security, etc. It leads to the way to actively participate in community management and service, improve the level of service for community residents, and mobilize more residents to the community family.

#### **3.1.3. Establish a Complete System of Laws and Regulations**

With the establishment of community business committees successively in China, relevant laws of business committees have been established from scratch. However, after all, the development of business committees has just been a few years, and relevant laws are not yet complete [7]. In addition, there is no special law for the treatment of community residents' rights protection in our country. Even if there is relevant law, it is only a broad legal provision, lack of practical operation. At this time, the government should attach importance to the construction of owners' committee in legislation, clarify the legal status of owners' committee, make the norms of owners' autonomy more detailed and specific, bring the development of owners' committee into the track of standardization, and realize the unification of the responsibilities and rights of owners' committee. On the other hand, the government should formulate specialized laws for community residents' rights protection and pay attention to its practical operation. The legal provisions should also be

updated with the passage of time and new problems should be added in time to enhance the legitimacy and standardization of community residents' rights protection.

### **3.2. Community Organizations: Give Full Play to Their Role and Guide Residents to Protect Their Rights Reasonably**

#### **3.2.1. Improve the Mechanism for Expression and Coordination of Owners' Rights**

The community as a social vulnerable groups, on the one hand, because it's are in weak position, easy to fall into need to strive for and maintain the interests of the situation, on the other hand because of its limited resources available, it is difficult to rely on their own resources to achieve self-reliance rights and strong dependence on the channels of interests expression, but the current community residents rights protection in our country are faced with poor to express the problem. In addition, there are contacts and communication among community owners, owners and the government, owners and property companies, and other community organizations in the community, so it is necessary to solve the problem of community public life through the intersection of interests. Therefore, it is necessary for community neighborhood committees, industry committees and other organizations to provide owners with different channels of participation and diversified information feedback and carriers of interest expression, so that residents can express different interest demands, express their personal values and interests simultaneously, and finally make decisions through collective consultation. With the help of network new media, community organizations can innovate interest expression channels, form diversified interest expression and coordination mechanisms, and enhance the inclusiveness of decision-making.

#### **3.2.2. Fully Mobilize Resources to Help Residents Protect Their Rights Reasonably**

In the actual work of rights protection, it is difficult to achieve the success of rights protection action only relying on the community residents' own strength, which requires the community self-organization to play the role of resource mobilizer. Above all neighborhoods committee can contact grass-roots government, strive for the support such as policy of government fund. At the same time, there will always be elites more or less in the community, who will have outstanding performance in legal knowledge, organizational ability, cultural quality and other aspects, and have great social influence [8]. Therefore, the neighborhood committee and the business committee can fully mobilize the elites in the community, make use of their interpersonal relationship and their own ability, and improve the effectiveness of community residents' rights protection. In addition, in view of the phenomenon that some residents in the community "only sweep the snow in front of their doors" and "free ride", the industry committee can set up a community rights protection group, implement the principle of inequality, evaluate the performance of the rights protection group at regular intervals and give corresponding punishment and reward, so as to urge residents to change their role and actively participate in the rights protection.

#### **3.2.3. Conduct Legal Lectures and Publicity Activities for a Long Time**

In the face of the damage to their rights and interests, the residents of the community suffered from long-term depression and their emotions were likely to explode out of control at any time. In addition, due to the lack of legal concept of many residents, they often protect their own rights and interests through illegal behaviors in the process of safeguarding their rights and interests. However, its irrational way of safeguarding rights and unskillful way of expressing appeals will not only affect the development of the action of safeguarding rights, but also cause new conflicts. Therefore, the community self-organization should attach great importance to the psychological counseling of the residents to protect their rights, and guide the residents to express their demands in a reasonable and reasonable way. For example, the community neighborhood committee can employ professional legal persons to carry out legal lectures to enhance residents' legal awareness and rights protection awareness. At the same time, the corresponding publicity activities should be carried out in the community for a long time to expand the channels for residents to obtain information, so that the community residents are unconsciously influenced by legal knowledge.

### **3.3. Individual Residents: Strengthen Knowledge Accumulation, Improve the Level of Rights Protection**

#### **3.3.1. Strengthen Knowledge Accumulation and Improve Self Quality**

Nowadays, the types of education and training covered by the community are very rich, including cultural basic education, popular science education, legal education, common sense education and so on. Residents can make full use of community education, actively learn relevant theoretical knowledge, and improve their own cultural quality. Residents can also strengthen their knowledge accumulation by participating in relevant knowledge competitions and other activities carried out in other places besides the community. Moreover, the residents must know that the protection of their rights must be combined with legal means to achieve results and safeguard the legitimate rights and interests of community residents. The use of illegal means will only lead to counterproductive consequences and greatly affect the protection of rights. In order to make effective use of the law, we must improve the legal consciousness of the community residents and let them fully understand the laws and regulations. There are many ways for residents to effectively understand laws and regulations, such as learning relevant videos of legal cases from the Internet, consulting some legal books, communicating with each other, and participating in the irregular training carried out by the community owners committee to improve their legal awareness and rights awareness.

#### **3.3.2. Cultivate Community Public Awareness and Improve the Level of Rights Protection Organizations**

Urban communities are very different from rural areas. Urban residents only care about their families and pay attention to their personal interests. They seldom communicate or move around with their neighbors, so they are estranged and even don't know each other [9]. They do not pay attention to the common interests of the community; only pay attention to personal interests, which leads to the implementation of the rights of collective activities difficult. Therefore, community residents should be aware of the fact that the fire burns high when everyone brings wood to it, actively organize and participate in collective activities, and learn to use the power of the collective to protect their rights. The effect is far better than that of individual rights. As for the community residents themselves, they should actively cooperate with and participate in the activities organized by the community housing committee, business committee and other organizations, strengthen the communication and interaction with other residents, enhance mutual feelings, improve their own awareness of rights protection, and jointly participate in the community rights protection activities. Once the organization level of community residents' rights protection is improved, the residents' rights protection will make qualitative progress.

#### **3.3.3. Give Full Play to the Role of Subject Supervision and Safeguard Their Own Rights and Interests**

As a vulnerable group in safeguarding their rights, community residents should enhance their awareness of participation and play a supervisory role in order to better protect their rights and interests and avoid being in a passive position. The supervision of residents includes not only the supervision of the government, community residents committees, other self-organized social organizations and their staff, but also the supervision of the community environment [10]. For example, supervision over the openness of government affairs, supervision over the low efficiency of petition departments, supervision over the daily management of residents committees, and supervision over the online electronic business of business committees, etc. At present, some communities in China have set up online public platforms for community affairs, on which community residents can look up relevant information and supervise it. When problems arise, they can leave a message on the platform or ask for staff to report, which can not only improve residents' awareness of participation, but also promote the improvement of community governance.

#### 4. Conclusion

The rights protection of community residents is a complex issue, which needs the joint efforts of multiple subjects. The government, community organizations and residents, as diverse subjects of the community, should improve themselves, give full play to the main role and safeguard the rights and interests of residents. The government should accelerate the improvement of the legal guarantee of the business committee as a new organization, streamline administration and delegate power, and actively cultivate and develop community non-profit organizations. Community organizations such as neighborhood committees should strive for the support of the government, improve the owners' rights expression of interests and coordination mechanism; the business committee should fully mobilize resources and enhance organizational capacity. Residents themselves should strengthen the accumulation of knowledge; give play to the role of the main supervision. Only when the main body of the community forms a joint force can the plight of the community residents' rights protection be improved and the order of the grass-roots society is maintained.

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