land

MDPI

Article

How to Use Evidence Rules Reasonably to Resolve Land Disputes: Analysis of Typical Land Dispute Cases from China

Lingling Li [1], Haoran Gao [1], Bingjie Song [2] and Caixian Cui [1,*]

[1] School of Humanities and Social Development, Northwest A & F University, Yangling, Xianyang 712100, China; li_lingling@nwafu.edu.cn (L.L.); gaohr@nwafu.edu.cn (H.G.)
[2] Centre for Regional Economies and Supply Chains, Central Queensland University, Mackay, QLD 4740, Australia; b.song@cqu.edu.au
* Correspondence: ccx@nwafu.edu.cn

Abstract: Against the background of the integrated development of urban and rural areas in China, land disputes are gradually increasing and becoming a prominent focus of interest in current Chinese society. In the process of dispute settlement, it is challenging for land disputes to reconstruct the evidence chain with the help of systematic land evidence, and the information asymmetry between parties intensifies social contradictions. Currently, in the context of several research practices concerning evidence, China lacks a comprehensive and traditional system of integrated land evidence theory. Specific applicable rules for different types of land evidence can only be summarized by judicial referees. The challenge in the field of land evidence lies in establishing specific rules and addressing the issue of scattered individual rules. To overcome the challenges posed by various land evidence types and the difficulties in applying traditional evidence rules, we employ the land case analysis method to examine judicial judgment documents related to land disputes. This approach allows us to summarize the facts of land dispute cases, compare the judgments made in these cases and further highlight the similarities and differences in the land evidence considered by the referees. Through this process, this paper aims to establish a legally significant practical framework for the classification of land evidence, filling the theoretical gap in the operational mechanism of land evidence and unlocking the potential for applying evidence methods in land dispute resolution.

Keywords: China; land disputes; land evidence; land judicial adjudication; classification of land evidence; rules of land evidence

check for updates

Citation: Li, L.; Gao, H.; Song, B.; Cui, C. How to Use Evidence Rules Reasonably to Resolve Land Disputes: Analysis of Typical Land Dispute Cases from China. *Land* **2024**, *13*, 1187. https://doi.org/10.3390/land13081187

Academic Editors: Hossein Azadi and Walter T. De Vries

Received: 5 June 2024
Revised: 19 July 2024
Accepted: 30 July 2024
Published: 1 August 2024

Copyright: © 2024 by the authors. Licensee MDPI, Basel, Switzerland. This article is an open access article distributed under the terms and conditions of the Creative Commons Attribution (CC BY) license (https://creativecommons.org/licenses/by/4.0/).

1. Introduction

Under the background of urban–rural integration and development, land reform has activated land power and continuously released institutional dividends, and subsequently, land disputes have gradually increased, becoming a prominent focus of interest in conflicts in current society [1]. The emergence of this problem is the inevitable outcome of the deep vertical development of land reform [2]. In the process of handling disputes, the phenomenon of information asymmetry between subjects and the difficulty in restoring the disputes intensify social contradictions. Therefore, scholars have conducted theoretical analyses on the path of the emergence and resolution of land disputes at the rule of law level. At the macro legislative level, some scholars argue that there are issues such as the unreasonable legal protection of collective land property rights [3,4], imperfect legal provisions of land ownership [5], and conflicts between abolition and the existing land legal system [6]. At the judicial level, some scholars suggest that in certain land dispute cases, public prosecution agencies may be constrained by imperatives of maintaining stability, respecting individual rights, and upholding public interests [7]. In addition, from a microscopic perspective, some scholars have concluded clear analyses on the jurisdiction and participants in land dispute litigation [8]. While scholars have proposed ideas and perspectives for the diversified settlement of land disputes, there has been insufficient

attention given to restoring the land disputes themselves. Only by gaining a correct understanding of the land dispute itself can we better prescribe the right medicine and alleviate the phenomenon of information asymmetry between different subjects brought about by changes in social environment, and the results of dispute settlement can be more convincing.

The settlement of land disputes is particularly important for urban development. For a long time, the United Nations has attached great importance to urban development. For example, the Agenda for Sustainable Development in 2030 was officially launched on 1 January 2016, in which "Sustainable Cities and Communities" (building inclusive, safe, disaster-resistant, and sustainable cities and human settlements) of Sustainable Development Goal 11 (SDG11) paid special attention to solving urban problems. It outlines the standards and principles of urban planning, urban construction, urban development, urban management and urban transformation and establishes five pillars for implementation: national urban policy, urban laws and regulations, urban planning and design, local economy and municipal financing, and local implementation. On 29 June 2022, UN-Habitat also released World Cities Report 2022: Looking Forward to the Future of Cities, giving hints on the development of cities in the form of "main findings and key information" from ten aspects.

Land disputes need to use land evidence to establish a chain of evidence to reveal their true nature. Sudden land disputes, land letters and visits, and other issues require the disclosure of facts supported by legal land evidence. At present, few scholars have analyzed the evidence system in land disputes. The evidence system holds important value in confirming the validity of claims, opening up the legal process, and mitigating event risks in dispute resolution. Research on the evidence system plays an indispensable role in solving disputes [9]. Undeniably, the classification of evidence in China's laws tends to neglect content and prioritize form, with a classification mode that is more closed and nuanced compared with that in Britain and the United States [10]. The uncertainties of land disputes (land disputes have obvious characteristics of large number of people, difficulty in handling, seasonality and timeliness), coupled with the mismatch legislation on relevant evidence in China, further complicates the construction of an effective evidence system for land disputes.

From the point of view of evidence law, the current legal framework for evidence has shown both progress and limitations [11]. For example, the current definitions exclude the concept of "evidence data–evidence method" [12] and fail to distinguish between "land evidence" and "land materials". Provisions in the Rural Land Contract Law have led to a large number of "adjustment schemes", government "approval schemes", and certificate-issuing bodies in judicial practice. It is necessary to differentiate between concepts of "material" and "evidence", "litigation evidence", and "conclusive evidence" to assist judicial organs in clarifying the corresponding "land evidence" and "land materials" in land disputes. In addition, the discourse system of the existing evidence framework is intertwined. Among imported academic discourses, there are various types of evidence from Soviet Law, standards of proof and evidentiary value from Roman law, and discussions on relevance and admissibility from Germanic law. Given the contradictory research traditions in evidence law, there is a deficiency in an integrated evidence theory system [13], which is also the case for the land evidence system.

Under the background of the complexity of the evidence system itself, the lack of integration in the field of land evidence and the challenges in identifying evidence in land disputes, standardizing, clarifying, and rationalizing the application of land evidence is an intrinsic value pursuit in improving evidence law and land law. The raises the question: How can we address the difficulties in classifying types of land evidence and applying traditional evidence to bridge the theoretical gap in the operational mechanism of land evidence and release the potential of evidence law in resolving land disputes? This inquiry includes three main issues. Firstly, can the traditional classification model of evidence law be adapted to the context of land evidence? Secondly, after classifying land evidence,

can corresponding rules for evidence application be applied in the field of land evidence? Thirdly, how can specific rules for land evidence be formulated and how can we address the issue of disparate individual rules? To address these issues, it is necessary to identify types of land evidence through judicial precedent induction while considering relevant norms within the existing legal framework on evidence in China to clarify challenges in applying evidence rules in the field of land.

2. Literature Review

2.1. The Characteristics and Comparison of Land Disputes

A land dispute is a highly abstract academic concept and involves social conflicts related to land elements. In China, it mainly refers to social phenomena such as contradictions, disputes, interest conflicts, farmers' petitions, rights protection struggles, and mass incidents that occur around the allocation of land resources and the distribution of interests among different stakeholders. It represents the mainstream of academic research based on property rights attributes, stemming from the property rights theory of institutional economics. Most scholars believe that the essence of land conflict is a conflict over property rights. Land ownership is an institutionalized system of rights relations and rules. Due to the non-uniformity or fuzziness of the land ownership rules system, conflicts arise between ownership and use rights, and between customary and modern land ownership. According to the intensity and frequency of land conflicts, they are also common. Many scholars study land conflicts from a sociological perspective, viewing them as the result of games and struggles among different stakeholders within the social system. Land conflicts manifest in forms such as coercion, group violence, social movements, and wars [14]. Therefore, land conflict is intertwined with various factors that impact economic, social, and political levels, presenting a difficult problem that all governments must address. Land conflict is one manifestation of social conflict, characterized by two dimensions: occurrence intensity and influence intensity. Regarding outbreak intensity, land conflicts can range from weak to strong to intense. Judging by the intensity and consequences of these outbreaks, land conflicts may not only lead to minor disputes over interests among social entities but also trigger large-scale group struggles and social unrest. Some scholars have observed that when land conflicts manifest in more intense forms such as war, group confrontation, and social movements, land distribution can trigger political conflicts and have a far-reaching impact on local social order and state power [15]. In fact, small-scale land disputes and derivative conflicts of interest are also issues that countries must include on their policy agendas. Land conflict is a complex social process, and its resolution requires careful consideration of various contextual factors and the specific conditions related to countries' land resource endowment and management system. Therefore, countries in the world are exploring effective governance systems and policy tools and formulating development plans and land resource management systems that are adapted to their actual circumstances. Due to differences in development experience and historical conditions, the characteristics of land conflicts vary from country to country [16]. In general, early land disputes in developed countries in Europe and America focused on ownership, with industrial and commercial capitalists forcibly depriving small farmers, landlords, and other traditional forces of land resources. During this period, land disputes had a significant impact and posed a threat to the stability of national governance. As these countries matured and stabilized, land disputes shifted focus on the distribution of value-added income and the protection of the multiple values of land. Conflicts mainly arise between public and private interest groups. Due to effective interest adjustment mechanism, land disputes have low frequency and relatively limited scope of influence [17]. Secondly, land disputes in Latin American countries manifest as resistance from landless groups facing high concentration of land rights. The struggle for land has triggered national social movements in these countries. The main conflict involves landless groups, local officials, and land capitalists, leading to frequent and prolonged land disputes. In addition, Latin American countries also face issues such as slums and occupation by outsiders. Thirdly, land disputes in

African countries are similar to those in Latin America. However, due to the complex social environment in the region, land disputes are always linked with factors such as race and tribe. Due to the lack of a sound national governance mechanism, land disputes often lead to tribal conflicts, wars, and revolutionary events, with extremely frequent occurrences and far-reaching negative effects. In addition, unfair land distribution often leads to food crisis and other issues, which have become important obstacles to the economic and social development of African countries [18]. Fourthly, rural land in South Asia and Southeast Asian countries is highly marketized, and land disputes manifest as conflicts of interest in the transfer of land ownership. Commercial investors use capital control to infringe on farmers' land rights and interests, exacerbated by corruption in the land management system and the public–private dual-track system [19].

2.2. General Land Dispute Management

Generally, scholars believe that addressing land disputes should encompass both the symptoms and the root causes, taking into account two fundamental dimensions: long-term mechanisms and short-term mechanisms [20]. The first dimension, viewed from a long-term perspective, involves establishing mechanisms for resolving land disputes over the long term, strengthening system construction at its source, improving laws and regulations, and optimizing policies. This approach aims to fundamentally eliminate the social foundation of land disputes [21]. Specifically, in conjunction with the causes of the aforementioned land disputes, the establishment of a long-term mechanism for resolving land disputes should primarily focus on three aspects: First, deepening system reform and improving laws, regulations, and related policies. This entails clearly defining the scope of public interests, improving compensation standards, providing precise definitions of rights and interests, and reducing ambiguity to diminish the basis for disputes [22]. Secondly, strengthening government management functions and elevating the level of refined management. It is imperative to clarify and protect the property rights of collectives and farmers, establish and improve land transfer mechanisms, fortify the construction of service platforms, and standardize land transfer operations and management. Thirdly, enhancing the construction of government organizations, standardizing the behavior of grassroots governments, improving grassroots democracy, and strengthening power supervision to fully express and protect the legitimate rights and interests of villagers. The second dimension, viewed from a short-term perspective, is based on the present and focuses on establishing a normalized mechanism for resolving land disputes by constructing a scientific and comprehensive dispute settlement system. This approach ensures that existing land disputes are properly handled and resolved in a timely manner [23]. It is necessary to leverage various diversified land dispute resolution mechanisms, such as consultation, mediation, administrative adjudication, and litigation, to provide multiple channels for relief. Flexibility is key in choosing specific methods, with mediation being an effective approach for targeted resolution. Given the diversity and complexity of land disputes, strengthening integration, convergence, and coordination between non-dispute resolution methods is essential [24]. Particular attention should be paid to the connection between non-judicial channels and judicial channels, as well as between informal channels and formal channels. This ensures that different dispute resolution methods can complement each other, forming a network of channels and allowing for seamless conversion, thereby maximizing the overall effectiveness of diversified land dispute resolution mechanisms.

2.3. General Rules of Evidence System

Legislation in civil law countries has traditionally been characterized by strict logic, precise structure, and precise language. However, this approach diverges when it comes to evidence legislation. Even in German law, renowned for its precise concepts and strict language, there is no dedicated code for evidence legislation [25]. Instead, legal provisions regarding evidence are dispersed throughout the civil code, criminal code, and procedural code. In German law, evidence is clearly defined as "the general name for all possible ways

or methods by which the court can determine the veracity of facts in dispute" [26]. This underscores the central role of evidence investigation in German evidence law, contrasting with the common law system, which categorizes types of evidence based on rules of admissibility. This distinction is linked to the role of the court in the investigation and examination of evidence in the legal systems of the two traditions [27]. Civil law countries follow an authoritarian litigation model, excluding non-professional parties and ordinary citizens from direct participation. Evidence investigation is primarily conducted by trained professionals, making the exclusionary rules of evidence meaningless in single-judge courts [28]. Emphasizing the importance of the court's role in evidence investigation, the classification of evidence in German law is based on verbal and physical evidence. This is particularly crucial for verbal evidence, which raises various legal issues concerning litigants' rights, the protection of witnesses, experts, and the accused. Verbal evidence is highly subjective and susceptible to external factors, such as the qualities and interests of the litigants [29]. In both German civil law and criminal proceedings, the types of evidence are fundamentally the same, categorized into "evidence method" and "evidence data". While there are defined types of evidence in German law, the legal list is not exhaustive, allowing for extensive questioning and consideration of other verification methods. On the other hand, American law provides a systematic framework for evidence, with unified federal evidence law and state-specific rules. American law does not make logical or rational classifications of evidence forms. Instead, it broadly accepts all relevant evidence and places significant emphasis on the applicability of evidence and preventing inadmissible evidence from influencing the jury [30]. American law holds that "all relevant evidence is admissible, and anything that is displayed in front of a jury or court, which is relevant and admissible and can prove the existence or non-existence of the facts in dispute, is evidence" [31]. To "prevent inadmissible evidence from influencing the jury through means such as making statements, providing proofs, or asking questions", American evidence law establishes specific rules for examining and determining the admissibility of evidence. This is to safeguard the impartiality of the jury's judgment and uphold judicial justice. Regarding the classification of evidence, verbal evidence comprises witness testimony. Witnesses provide their statements under oath in court, and these statements are recorded by court clerks. On the other hand, physical evidence encompasses tangible objects presented in court for scrutiny by fact-finders, including items like bullets, knives, guns, and drugs. Additionally, judicial cognition allows judges to independently assess and affirm certain facts without the need for further evidence. In the United States, legislation places a greater emphasis on its practicality in the field of evidence law. The classification of evidence is rooted in practical considerations rather than strict logical or rational examination. This approach provides a wide range of evidence qualifications and forms for evidence. The most prevalent perspective in English law on the classification of evidence focuses on its form. English law, including Civil Evidence Law, categorizes evidence into oral, documentary, and physical forms. However, the law also specifies that "the provision of evidence in this law refers to the provision of evidence by any means, whether by providing information, producing findings, producing documents, or by other means" [32]. In Britain, the definition of evidence closely aligns with the provisions of American law. Witness testimony pertains to statements made by witnesses while under oath during legal proceedings, generally requiring witnesses to swear to the truth of their statements. Documentary evidence consists of documents presented in court that prove facts of the case, including maps, design drawings, charts, CDs, videos, and other tangible objects that judges rely on for their judgments. British evidence law is not confined to a fixed range but remains adaptable to incorporate emerging information resources in the ever-evolving landscape of social development. This flexible legislative approach mirrors the traditional significance and influences of case law in Britain. Through the lens of case law, new judicial precedents are established during litigation activities, providing a prepared framework for the court [33]. Notably, the distinction between documentary and physical evidence in Britain still blurs, with testimony holding a pivotal role in British evidence law.

British common law emphasizes that witnesses appear in court personally to provide oral testimony [34].

2.4. Comprehensive Review

Land disputes necessitate the use of land evidence to establish a coherent evidential chain, revealing their true nature. Issues such as sudden land disputes and land-related correspondence demand the disclosure of facts supported by legal land evidence. Currently, few scholars have analyzed the evidence system in land disputes, yet its significance lies in confirming value, elucidating the processes, and mitigating events, playing an indispensable role in dispute resolution. Research on the evidence system plays an indispensable role in dispute resolution. Undeniably, the classification of evidence in China's laws tends to focus on form rather than substance, employing a more closed and intricate model compared with that in Britain and the United States. The complexity of land disputes, characterized by a large number of parties involved, difficulty in resolution, seasonality, and timeliness, coupled with the mismatch in relevant evidence legislation in China, further complicates the construction of the evidence system for land disputes. From the perspective of evidence law, the current legal framework for the evidence system has made progress but has limitations. For instance, the current definition lacks the concept of "evidence data–evidence method" and fails to differentiate between "land evidence" and "land materials". Provisions in the Land Contract Law have resulted in the issuance of numerous "adjustment schemes", "government approval schemes", and "land management warrants" by certification authorities. Therefore, it is necessary to distinguish between "materials" and "evidence". Moreover, distinguishing between "litigation evidence" and "conclusive evidence" can help judicial bodies clarify the corresponding "land evidence" and "land materials" in land disputes. In addition, the existing evidence system is a blend of different academic discourses, incorporating types of evidence from the Soviet Union, probative power and evidential ability from Roman law, and discourses of relevance and admissibility from Germanic law. Given these contrasting research habits in the field of evidence law, both domestically and internationally, there is a general lack of an integrated evidence theory system that can integrate these different traditions, which also applies to the land evidence system. Considering the inherent complexity of the evidence system itself and the lack of integration in the field of evidence within land dispute resolution, standardizing, clarifying, and rationalizing the application of land dispute evidence are intrinsic goals in perfecting the legal system of evidence application in land disputes, such as land law and evidence law. This paper elaborates on judicial precedents and applies them to identify the types of evidence in land disputes. It also considers relevant norms within China's current land law and evidence legal framework, aiming to clarify the challenges in the rules for applying evidence in land disputes.

3. Methods and Materials

In this paper, case-like research methods, normative analysis, and other research methods are employed. Judicial precedent induction is used to identify various types of land evidence. Additionally, considering the relevant norms within China's current legal framework for evidence, this paper aims to clarify the challenges associated with applying land evidence. The analysis framework of this research, as shown in Figure 1, aims to address the challenges associated with classifying types of land evidence and applying traditional evidence rules in the context of land disputes. On the left-hand side, the approach involves using the case analysis method to examine judicial judgement documents related to land disputes. This approach encompasses summarizing the facts of land dispute cases, comparing the judgments in land dispute cases, analyzing the value judgments made in land dispute judgments, and finally presenting the similarities and differences in the land evidence involved in these judgments. On the right side of Figure 1, simultaneous consideration is given to legal principles to seek practical models for classifying land evidence. This includes categories such as "witness–material evidence–

documentary evidence", "evidence data–evidence method", "main–general–secondary", and "material evidence–basis for final decision". The goal of this approach is to fill the theoretical gap in the operational mechanism of land evidence and unlock the potential for applying evidence law in the resolution of land disputes as illustrated by the four complementary approaches depicted in Figure 1.

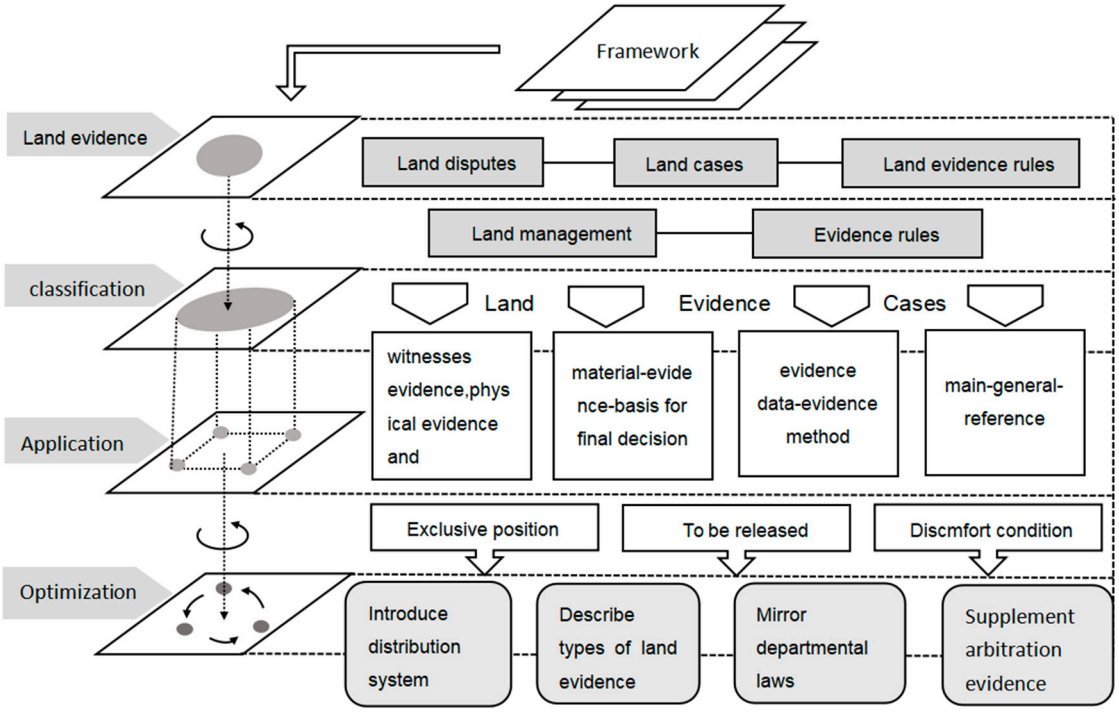


Figure 1. Analysis framework for the classification and application of evidence in land disputes.

Meanwhile, Figure 2 suggests how to effectively regulate land evidence to maximize its utility. This includes the introduction of a burden-of-proof allocation system to maintain a reasonable balance between the values of "fairness and efficiency", providing a typical description of land evidence types, establishing a "protest–revocation–compensation" buffer zone, considering insights from sectoral laws such as litigation law and tax law, providing a rational interpretation of land evidence standards, implementing supplementary arbitration evidence rules, and promoting the use of non-litigation arbitration evidence in land dispute resolutions.

In selecting research areas, we have defined a nationwide research scope for four reasons: First, the evidence system involved in land disputes is reflected in judicial cases across the country, ensuring uniformity and avoiding variations in the use of land evidence between different regions. Second, the laws serving as the basis for land adjudication have nationwide jurisdiction, binding and applying uniformly throughout the entire country. Third, when employing research methods involving similar cases, the criteria for similarity, including basic facts, dispute focus, and legal application, remain consistent across different regions. Fourth, to generate a sufficiently large sample of judgment documents for effective similar case studies, it is essential to delimit our research scope nationwide. We have chosen to focus our research on adjudication documents of land disputes nationwide, particularly the guiding cases issued by the Supreme People's Court. The types of land disputes, court levels, and causes of action in China are shown in Table 1.

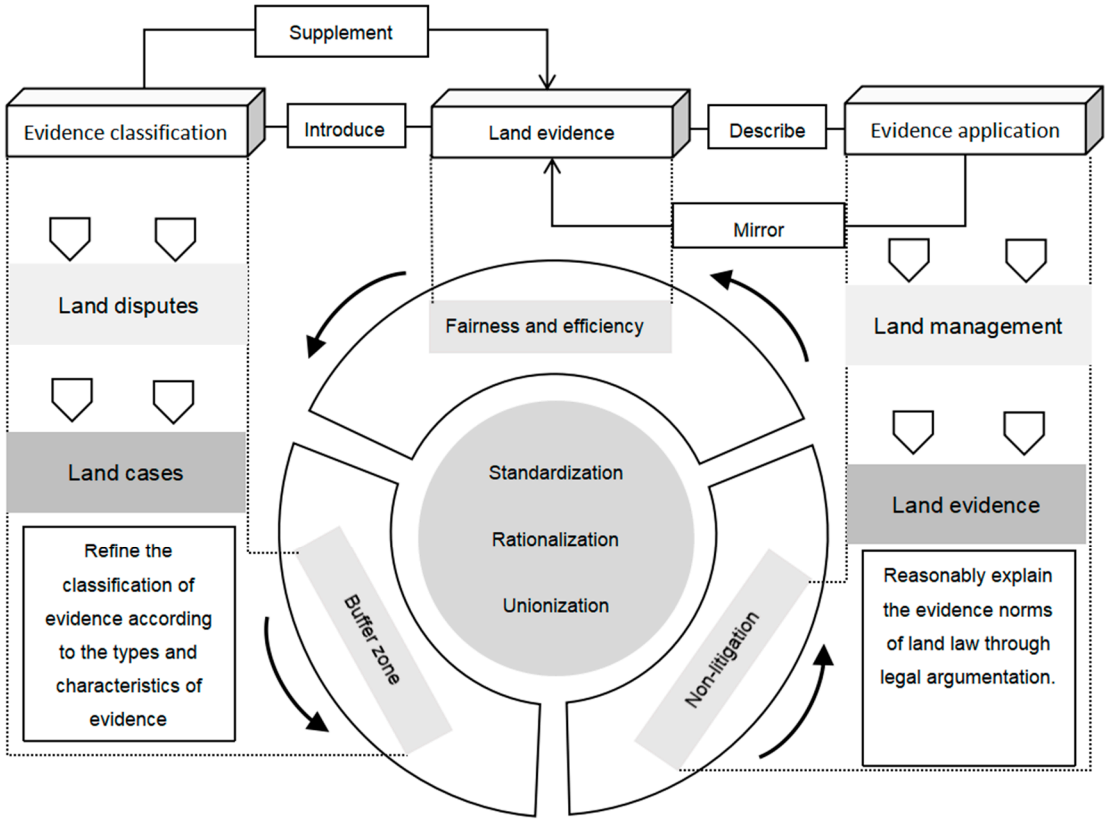


Figure 2. The pathway to standardize the use of land evidence.

Table 1. The types of land disputes, court levels, and causes of action in China.

Types of Land Disputes in China (2023)			
Land expropriation compensation dispute	Land contract management dispute		Land lease dispute
6906	10,604		11,500
Level of court for accepting land disputes in China (2023)			
The Supreme People's Court	Senior People's Court	Intermediate People's Court	Basic People's Court
259	3107	8506	18,354
Cause of land dispute in China (2023)			
Civil cause	Administrative cause		Executive cause
11,063	9856		8094

Three criteria guide the selection of land dispute cases for examination. Firstly, similarity in basic facts is a crucial consideration, encompassing the alignment of parties' subjective qualifications, the nature of the case, and civil rights and obligations within the context of land dispute adjudication. Secondly, the focus of disputes around similar core issues is a key criterion, reflecting a shared focus in disputes among parties involved in land disputes. Thirdly, similarity in the application of laws plays a pivotal role, indicating commonalities in the choices of applicable laws made by judges overseeing these cases.

Based on these criteria, we utilize judicial judgment documents accessible through the judgment document network as the retrieval object. Advanced searches are conducted within the case databases of the judgment document network, utilizing keywords such as "witness, material evidence, documentary evidence", "evidence data, evidence method", "materials, evidence, basis for finalization", "compensation for land expropriation", "land

confirmation", and "land demolition". We included 5634 adjudicative documents concerning land ownership and 957 adjudicative documents pertaining to land demolition. Additionally, we identified 135 adjudicative documents addressing forest title certificates, land certificates, and forest land agreements among the parties. This dataset spans all facets of litigation links from the first trial to the second trial and then to trial supervision, encompassing initial trials, subsequent appellate stages, and trial supervision in both civil and administrative litigation.

This paper adopts a qualitative approach, combining normative analysis with case analysis. This study investigates 132 cases, presented in Table 2, including guiding cases and the most representative cases issued by the Supreme People's Court. The judicial decisions involved in this paper are shown in Table 2.

Table 2. Judicial cases used in the article.

Case Index					
(2022) Qingmin Shen No. 428	(2022) Gui 14 Min Zhong No. 1086	(2022) Liao 02 Min Zhong No. 11167	(2020) SPC Xingshen No. 5085	(2022) Jinmin Shen No. 2278	(2020) SPC Xingshen No. 4775
(2022) Yu Min Shen No. 1172	(2022) Shaanxi 05 Min Zhong No. 2094	(2021) Nei 0624 Minchu No. 1844	(2018) SPC Xingshen No. 11262	(2022) Jinmin Shen No. 1537	(2020) SPC Xingshen No. 2490
(2022) Jimin Shen No. 518	(2022) Ji 02 Min Zhong No. 1810	(2021) Yun 0424 Minchu No. 1768	(2018) SPC Xingshen No. 11274	(2022) Qingmin Shen No. 529	(2020) SPC No. 294
(2022) Jiminshen No. 519	(2022) Gan 11 Min Zhong No. 1010	(2021) Yun 0625 Minchu No. 1963	(2018) SPC Xingshen No. 2306	(2018) SPC No. 112	(2020) SPC No. 296
(2022) Jing 03 Min Zhong No. 16884	(2022) E07 Min Zhong No. 830	(2023) Liao 12 Min Zhong No. 339	(2019) SPC Xingshen No. 5045	(2020) SPC Xingshen No. 13263	(2020) SPC No. 165
(2022) Ji 01 Min Zhong No. 7705	(2022) Jing 01 Min Zhong No. 9332	(2023) Jing 01 Min Zhong No. 788	(2019) SPC Xingshen No. 14138	(2020) SPC No. 1285	(2020) SPC Xingshen No. 2366
(2022) New 23 Min Zhong No. 1902	(2022) Black 02 Min Zhong No. 3038	(2023) Ji 06 Minshen No. 6	(2018) SPC Xingshen No. 1318	(2020) SPC No. 824	(2020) SPC Xingshen No. 4150
(2022) New 28 Min Zhong No. 821	(2022) Gui 04 Min Zhong No. 1239	(2023) Liao 06 Min Zhong No. 57	(2018) SPC No. 718	(2020) SPC Xingshen No. 13776	(2019) SPC Xingshen No. 14151
(2022) Lu 02 Min Zhong No. 17323	(2022) Black 04 Min Zhong No. 616	(2023) Jing 02 Min Zhong No. 1525	(2020) SPC Xingshen No. 2409	(2020) SPC Xingshen No. 12338	(2019) SPC Xingshen No. 9040
(2022) Yue 02 Min Zhong No. 2686	(2022) Liao 06 Min Zhong No. 1413	(2023) Jing 02 Min Zhong No. 1516	(2020) SPC Xingshen No. 719	(2020) SPC Xingshen No. 14361	(2019) SPC Xingshen No. 11436
(2022) Gan 07 Min Zhong No. 1344	(2022) Xiang 11 Min Zhong No. 2289	(2023) Ji 06 Min Zhong No. 57	(2020) SPC Xingshen No. 3898	(2020) SPC Xingshen No. 12334	(2019) SPC Xingshen No. 13395
(2022) Anhui 04 Min Zhong No. 2513	(2022) Gui 14 Min Zhong No. 842	(2023) New 40 Min Zhong No. 216	(2020) SPC Xingshen No. 6840	(2020) SPC Xingshen No. 12371	(2019) SPC Xingshen No. 11434
(2022) Lu 17 Minzhi Zhong No. 201	(2022) Lu 16 Min Zhong No. 2028	(2021) Supreme Law Min Zai No. 332	(2019) SPC Xingshen No. 12071	(2020) SPC Xingshen No. 13486	(2019) SPC Xingshen No. 11444

Table 2. *Cont.*

Case Index					
(2022) Jing 01 Min Zhong No. 8950	(2022) Lu 06 Min Zhong No. 5891	(2020) SPC Min Shen No. 7648	(2019) SPC Xingshen No. 1065	(2020) SPC Xingshen No. 13515	(2019) SPC Xingshen No. 13656
(2022) Cloud 25 Min Zhong No. 2280	(2023) New 01 Civil Jurisdiction Final No. 16	(2020) SPC Xingshen No. 12423	(2020) SPC Decree No. 1975	(2020) SPC Xingshen No. 13816	(2019) SPC Xingshen No. 11440
(2022) Yue 06 Min Zhong No. 12323	(2023) Liao 01 Min Zhong No. 3593	(2020) SPC Xingshen No. 2556	(2019) SPC Xingshen No. 11233	(2020) SPC Xingshen No. 9610	(2019) SPC Xingshen No. 11439
(2022) Shaanxi 05 Min Zhong No. 1930	(2023) New 40 Min Zai No. 5	(2020) SPC Xingshen No. 11310	(2019) SPC Xingshen No. 14478	(2020) SPC Xingshen No. 12332	(2016) SPC No. 82
(2022) Ji 08 Min Zhong No. 1131	(2023) Liao 01 Min Zhong No. 1964	(2020) SPC Xingshen No. 13773	(2019) SPC Xingshen No. 12085	(2020) SPC Xingshen No. 9864	(2022) Jingmin Shen No. 7554
(2022) Yu 04 Min Zhong No. 1264	(2023) Ji 0184 Minchu No. 76	(2020) Supreme Law Civil Final No. 164	(2019) SPC Xingshen No. 13707	(2020) SPC Xingshen No. 6227	(2022) Jingmin Shen No. 6195
(2022) Gan 03 Min Zhong No. 476	(2023) Hei 0225 Minchu No. 33	(2020) SPC Xingshen No. 5386	(2019) SPC No. 12001	(2020) SPC Xingshen No. 11784	(2023) Liao 01 Min Zhong No. 3802
(2022) Gan 03 Min Zhong No. 477	(2022) Shaanxi 0526 Minchu No. 3798	(2020) SPC Xingshen No. 3975	(2019) SPC No. 11960	(2020) SPC Xingshen No. 11952	(2023) New 23 Min Zhong No. 180
(2022) Liao 01 Min Zhong No. 15485	(2022) Ning 0121 Minchu No. 4782	(2020) SPC Xingshen No. 7484	(2019) SPC Xingshen No. 11891	(2020) SPC Xingshen No. 10315	(2023) Lu 10 Min Zhong No. 81

Note: Data in the table were collected from https://wenshu.court.gov.cn/ in 5 May 2023.

4. Data Analysis

This section analyzes land evidence data through two steps. The first step involves classifying land evidence. Typology is a logical method for understanding commonalities and identifying characteristics, which not only organizes people's understanding but also enhances the purpose and effectiveness of analysis Studying the classification of land evidence includes examining the reasons and basis for classification, ensuring the accuracy and usability of research types, evaluating the logical comprehensiveness of the land evidence classification system, and assessing its alignment with the needs of using land evidence to determine case facts. Secondly, on the basis of typology, this paper examines judicial judgment documents related to land evidence. The qualitative research method based on typology analysis is valuable for effectively combining case analysis with normative analysis of laws and regulations. This approach facilitates exploration of the values embodied in legislative intent when crafting laws, particularly in the field of land disputes. These values are specifically applied to the legal application stage depending on the referee, whose viewpoint in the absence of written law can better reflect their values. When studying similar cases, the methodology involves two main steps. First, deconstruct representative land dispute cases into three aspects: basic case facts, dispute focus, and legal relationships. Second, extract keywords related to the dispute focus using the keyword search method in the Judgment Document Network. Key terms such as witness, material evidence, documentary evidence, evidence data, evidence method, materials, evidence, basis for finalizing the case, compensation for land expropriation, land confirmation, and land demolition are sequentially extracted. The third step involves

summarizing and analyzing similar cases, which forms the core of the research method involving similar cases. By summarizing the facts of land dispute cases, comparing the conclusions of land dispute adjudications, analyzing the value judgments made in these adjudications, and finally presenting the similarities and differences in land evidence involved, a comprehensive understanding of the landscape of land evidence is achieved. The framework of data analysis is shown in Figure 3.

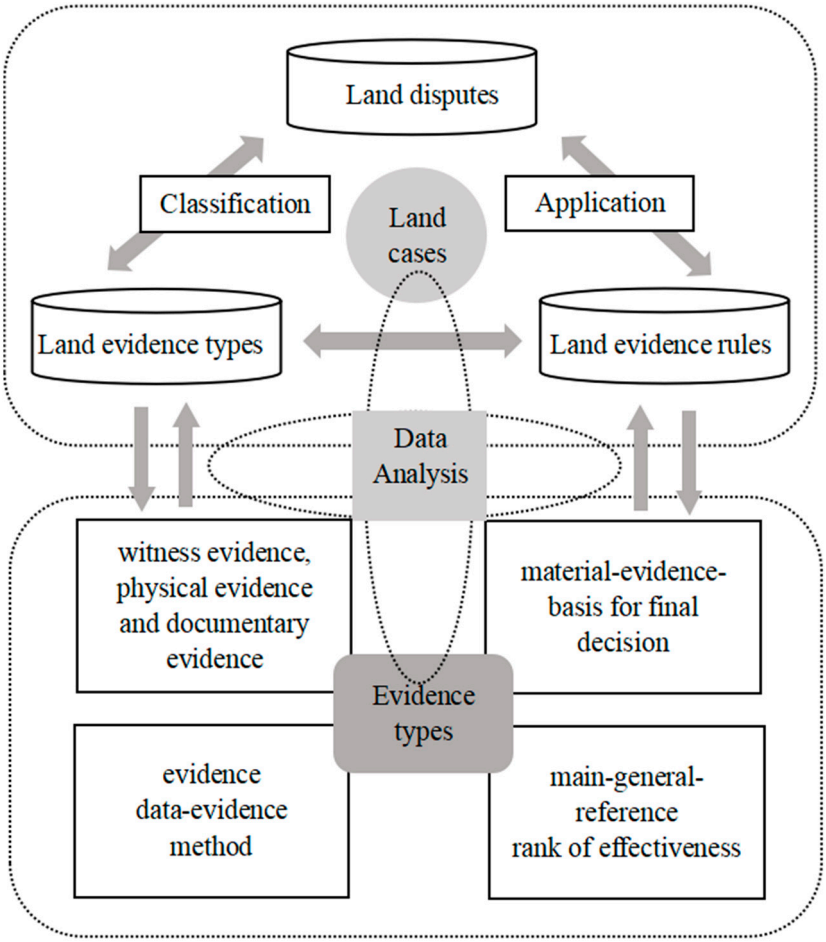


Figure 3. The framework for data analysis.

4.1. Dividing Land Dispute Evidence into "Witness Evidence, Physical Evidence, and Documentary Evidence" Often Leads Land Dispute Settlement Bodies to Make Negative Identifications of Land Evidence

The classification of evidence into "witness evidence, physical evidence, and documentary evidence" is grounded in the pluralistic values of rationalism. This classification aligns with the non-singular and dynamic characteristics of the field of land dispute evidence [35]. This section verifies the applicability of the division of evidence types into "human evidence, material evidence, and documentary evidence" to land disputes. In the case of (2012) Hangtizi No. 26 (https://wenshu.court.gov.cn/), where Ding'an Chengdong Building Decoration Engineering Company of Hainan Province sought retrial due to a dispute involving Ding'an County People's Government of Hainan Province and the third party, Ding'an Sub-branch of the Agricultural Bank of China, concerning the withdrawal of state-owned land use rights, revocation of land certificates, and refusal to accept an administrative judgment made by the Higher People's Court of Hainan Province, the court applied the classification method. The court determined that the notice from the county government, informing about the hearing in advance, fell under documentary evidence, while the company's statement was categorized as witness evidence. Moreover, the sign-in

form of the county government during the hearing was categorized as documentary evidence. However, the basis for this classification was vague. Additionally, the court treated on-site photos as both documentary evidence and physical evidence to establish the fact that a cement precast factory was built on the disputed land. While classifying on-site photos as documentary evidence might initially seem reasonable, both administrative and judicial authorities often conduct on-site investigations and gather evidence in land dispute resolutions. If both government-obtained and party-provided on-site photos are classified as documentary evidence, it could lead to logical contradictions.

In the context of "administrative pre-position" in the field of land disputes, early-stage evidence investigation, such as on-site photos, is primarily conducted by land administrative authorities. During this phase, categorizing the photos obtained by administrative bodies and those submitted by involved parties as "documentary evidence" under this classification may not be suitable. Based on the provisions of relevant laws governing the accurate certification materials provided by individuals and organizations, defining and classifying the materials collected by the responsible entity from relevant individuals or entities using this classification scheme becomes challenging. According to the prevailing perspective in evidence law, the aforementioned evidence in land disputes should be categorized as either "record of inquest and inspection" or "appraisal conclusion" [36]. Under the "witness, physical evidence, and documentary evidence" classification model, it is evidently unfeasible to subdivide into categories like "inquest, inspection record" and "expert conclusion". Whether these subcategories can coexist alongside "witness, physical evidence, and documentary evidence" in the field of land disputes remains open for discussion. On the one hand, evidence can only be naturally discovered and cannot be manipulated [37]. The materials obtained by state authorities in the field of land disputes are created by relevant personnel, making them arguable as evidence. According to the perspective that "such material merely reflects physical evidence" [38], they can be treated as evidence. However, it remains uncertain whether they can be classified as "witness evidence, physical evidence, and documentary evidence" or coexist in parallel with this classification. On the other hand, witness testimony naturally fits into the semantic category of witness. If the "inspection record" and "expert opinion" issued by land administrative authorities in land dispute cases do not fall within the evidence category, they may encounter logical challenges within the framework of evidence. This is because all types of witness are intangible [39] and cannot be directly employed in litigation; their evidentiary materials exist in both original and derivative (evidence method).

From the perspective of this classification method, the framework is overly general and vague. This could potentially result in delayed identification and categorization of critical evidence, consequently extending the litigation period, particularly in cases related to the government's reclaiming of the right to use state-owned land. For instance, take case (2019) No. 6944 of the Supreme People's Court as an example. (The Higher People's Court of Hainan province, in its second-instance judgment, held that when land is simultaneously left unused due to government reasons and is needed for public interests, the government can reclaim land use rights with compensation through the land idle disposal process and recover land use rights in advance with compensation through the national legal procedure for publishing interest needs. In cases where state-owned land use rights are reclaimed for public interest, the right holders should be provided with appropriate compensation.) In the second instance, the court ruled that, in accordance with the relevant provisions of the newly revised Land Management Law, when land is left idle for government reasons and is required for public interests, the government can reclaim the land use rights with compensation or in advance. Simultaneously, the user should receive appropriate compensation, and the determination of "appropriate compensation" in the context should take into account the nature of the reclaimed land. At this point, if evidence materials that identify influencing factors such as land nature, usage, and location are categorized using the "witness, material evidence, and documentary evidence" classification method, the relevant authorities may struggle to assign the appropriate

legal attributes to the evidence. This is because the law's classification of evidence is too general, potentially causing delays in securing the most favorable compensation for the parties involved.

In the process of hearing land cases, especially in the process of land evidence review and land evidence proof, land evidence types and application rules jointly serve the goal of finding the facts of land cases. The specific scale of finding the facts of land cases cannot be separated from the objective truth of land dispute cases and the applicable legal truth. The identification of land case facts using land evidence rules should conform to the classification of land evidence types. From this perspective, the classification of land evidence types in land dispute resolution is directly related to the rules of land evidence application. The judicial practice of resolving land disputes shows that in some cases involving land disputes, judges exclude the evidentiary ability of certain types of evidence when reviewing evidence, and this kind of land evidence cannot be applied to the land evidence rules. In other cases involving land disputes, judges apply the land evidence rules to confirm the facts of the case and break through the conventional evidence investigation methods, allowing land evidence outside the statutory evidence types to have evidentiary ability. In addition, when the object of land evidence proof is a simple legal fact, such as land area or land boundary, this kind of evidence is endowed with evidentiary ability, and the evidence rules are applicable in judicial practice without exception. However, when the object of land evidence proof is a legal act, such as the legality review of the subject of land enforcement, some land evidence does not have evidentiary ability and is excluded by the land evidence rules. Because the classification of land evidence types is directly related to the application rules, judges may find themselves in a dilemma in the judicial practice of land dispute resolution. If the types of legal evidence are observed, it means that the effective non-legal types of land evidence will be excluded, which will affect the accuracy of the fact finding of land cases. If the laws are not observed, it will damage the authority of the law and may affect the acceptability of the fact-finding results. The rigid classification of land evidence types will easily limit the judge's discretion in the trial of land cases, potentially preventing certain types of evidence from being applied appropriately under the land evidence rule. The root cause lies in the classification of land evidence types based on the legalistic principles, which presupposes the types and quantities of evidence that can be used as the basis for final decisions. This approach diminishes the subjective initiative of the trial participants in resolving land disputes and reduce the determination of trial facts in land cases to a rigid cognitive model akin to mathematical addition. Under the background that land disputes themselves have the interests of multiple subjects intertwined and are highly technical and professional, this fixed cognitive model structure not only violates the basic law of ascertaining the facts of land cases but also fails to cope with the inherent tension between land evidence rules and land judicial practice in the face of complicated land evidence information. In the structure where the classification of land evidence is directly related to the application rules, the contradiction between classification and the application of systematic rules will become increasingly fierce.

4.2. Sorting Out the Evidence in Land Disputes from the Perspective of "Material–Evidence–Basis for Final Decision" Reveals a Trend Where Land Administrative Organs Are Influencing the Interpretation of Trial Subjects

There is no dispute over the definition of evidence in the field of evidence law in China [40]. However, a change in the definition of evidence could pose challenges for establishing the evidence system for land disputes. Firstly, it raises the question of whether it is necessary to differentiate between "evidence for land litigation" and "evidence for land dispute settlement" within the field of land dispute evidence. Secondly, the "three characteristics" of land dispute evidence may no longer be suitable as the fundamental attributes of land dispute evidence but rather should be considered as standards for cross-examination and criteria for assessing evidence [41]. Considering that the term 'evidence' actually has two meanings, at the level of "litigation evidence", even forged "litigation evidence" can be submitted to the court as "evidence" as long as the witness believes it can

prove the facts of the case. In the process of submitting evidence to the court, we can only consider whether it is related to the facts. However, because it has not been cross-examined and examined by a judge, it is impossible to confirm its authenticity, so it is considered temporary evidence. The "basis for deciding a case" differs. It comprises evidence with three characteristics and certain probative force, which judges use to establish the facts of the case and include in their judgment. Therefore, while forged evidence constitutes evidence, it does not qualify as "conclusive evidence". Between the two meanings of the above evidence, a formula can be articulated: evidence + verification by the court = conclusive evidence. Distinguishing between "litigation evidence" and "finalized evidence" can help us understand the possible disparity between evidence believed by the parties and evidence accepted by the judge, and why the evidence must undergo stages of proof and cross-examination. It can also help us understand the varying requirements in different stages such as proof, cross-examination, and judge's trial, enabling targeted strategies in evidence collection, submission and cross-examination. The urgent problem to be solved is whether the evidence in a land dispute can be distinguished as part of the "material–evidence–decision basis". For example, in the (2013) Chang Hang Zhong Zi No. 119 case, one of the key focal points of the dispute is whether the cancelation of Mr. Zhou's rural land contract operation certificate by the People's Government of Liyang City is legal. The reason for the cancelation of the certificate by the Liyang City People's Government was an issuance error. Therefore, the crucial issues in this case focus on whether the certificate was indeed issued in error.

In today's land dispute case file trial mode, two obvious modes for handling land dispute evidence emerge. First, understanding the evidence from the perspective of land administrative departments, rather than from the perspective of the trial subject (based on the land dispute settlement practice of "administrative preposition"). The judgment of land administrative departments on the evidence replaces the trial subject's benchmark to a certain extent. Second, the formalization of evidence. The land dispute case file serves as the document carrier to record case evidence, requiring that evidence in land dispute be presented in textual form to be included in the relevant case file. Except for certain physical evidence in land disputes (such as documents with specific fonts) and some documentary evidence (such as land subcontracting contracts) that can be directly recorded in cases with few details, all witnesses, most physical evidence, and most documentary evidence that cannot be directly recorded (such as land management rights certificates) must undergo certain procedures (such as transcription) to be converted into documentary forms before being included in land dispute files and becoming part of their contents. Even a small amount of physical evidence and documentary evidence that can be directly recorded must be accompanied by traces of relevant documents obtained by land administrative organs in order to "record the land dispute evidence" within a certain scope. At this point, if distinctions between "evidence" and "materials", "land litigation evidence", and "land finalized evidence" are not strictly observed, it will greatly increase the difficulty for judicial organs to make reasonable judgments based on the facts of the case.

It can be seen that the settlement of land disputes is characterized by the coexistence of technology and operability, and the interweaving of specialization and systematicness. On the one hand, the court conducts evidence review and judicial judgment on land disputes through general judicial procedures and realizes the protection of the basic rights of land rights subjects through effective judgments. The trial subjects use basic legal knowledge to identify legal facts and promote the organic combination of substantive justice and procedural justice in land dispute settlement, which enhances its general operability. At the same time, the process of land dispute resolution involves a significant amount of technical knowledge, including historical knowledge related to the origins and historical context of land disputes, as well as numerous customary rules aimed at maintaining social order concerning land. From this perspective, land dispute resolution has certain technical characteristics. On the other hand, the settlement of land disputes embodies the judicial governance of diversified subjects' participation and the allocation of various resources.

The systematic characteristics of diversified subjects' participation and the specialized regulatory measures led by traditional administrative organs are intertwined in the practice of land rule of law, influencing the coherence of evidence rules in three aspects: establishing the basis for action legitimacy, implementing substantive law, and determining the facts of the case. First of all, the fact identification in land disputes involves a series of technical knowledge, including how to judge the measurement mechanism of land to accurately determine its scope and area, how to evaluate and quantify the land compensation damages, and how to determine the restoration scheme for land protection based on the extent of damaged. All of these aspects place high demands on the rational application of land evidence rules, which must consider the specific characteristics of land facts in the evidence review process. Secondly, within the expert assistant evidence system, the specificity and technical characteristics of land dispute resolution inevitably influence the application of land evidence rules. Questions arise about whether to promote the participation of land experts in reviewing evidence and determining facts in land expropriation cases, whether land experts can be selected as jurors, specially invited mediators, and expert witnesses, and how effectively the public can participate in judicial trials of land dispute resolution. Furthermore, concerning the third-party appraisal evidence mechanism in land-related cases, joint opinions issued by the Ministry of Natural Resources, the Supreme People's Procuratorate, and the Ministry of Public Security stipulated that "if it is necessary to appraise the degree of damage to cultivated land in cases involving suspected land and resources crimes, the municipal (prefecture) or provincial administrative department of land and resources will issue an appraisal conclusion". Laws and regulations only stipulate the unit responsible for issuing appraisal conclusion, but they do not provide standardized processes and industry standards for appraisal, which poses practical challenges and impacts the third-party appraisal evidence mechanism in land disputes. In addition, during the process of identifying land evidence, numerous customary rules govern land possession, use, and income. These customary laws may not only conflict with the existing evidence rules in land fact identification but also complement them, forming the evidential logic in land dispute resolution. Thus, it is necessary to address the coordination between land evidence rules and customary law provisions in dispute settlement.

4.3. Evidence Types of Land Disputes under the Dual Structure of "Evidence Data–Evidence Method": Careful Application of Extraterritorial Dispute Theory in China's Land Practice

The prolonged use of the static concept of evidence can result in oversimplification, particularly in the field of land dispute evidence [42]. In this context, we need to verify the feasibility of employing the dynamic "evidence data–evidence method" evidence division model. In various land dispute cases, the use of sampling methods, such as measurement, evaluation, and calculation, is inevitable when extracting land evidence. Defining "evidence data" after sampling as the type of evidence while ignoring the "evidence method" during sampling and the multiplicity of evidence meanings and failing to consider the diversity of evidence forms results in splitting the inseparability between evidence and proof. There is also a blind pursuit of the static nature of evidence [43]. In the case of (2019) Ganxingzhong No. 492 (https://wenshu.court.gov.cn/), where Gansu Pengfei Thermal Insulation Material Co., Ltd. v. Xigu District People's Government of Lanzhou City and the third party Xigu Branch of Lanzhou Natural Resources Bureau made a compensation decision and both the Pengfei Company and Xigu District Government refused to accept the administrative judgment of Lanzhou Railway Transportation Intermediate Court and appealed, the determination of the land compensation agreement among relevant parties is crucial to establishing the facts of the case. The three characteristics of various measurement methods used in the extraction of relevant materials mentioned in the land compensation agreement cannot be ignored. In cases related to land disputes, evidence refers to all information or materials directly or indirectly related to the facts of land disputes, expected to be proved. The evidence method is the investigation method used to explore the facts to be proved in the aforementioned land disputes [44]. For example, in a land dispute,

the actual area of the land claimed by the parties serves as the evidential data provided by the parties themselves, while the method employed by judicial bodies to determine the area through measurements constitutes the evidential method. In the 2021 Liao 07 civil case (accessible at https://wenshu.court.gov.cn/), which involved a dispute between the appellant, Wang, and the appellee, the villagers' committee of Majianzi Village, Sijiazi Town, Heishan County, Jinzhou City, Liaoning Province, the method used by the judicial bodies to ascertain the fact that "the defendant Maquanzi village Committee is located at the lower tip of Dongsha River" falls under this classification method.

While the "evidence data–evidence method" classification system is valuable for ensuring justice in land disputes, it is worth noting that this dual-structure classification method has caused controversy within academic circles. The German evidence prohibition theory, encompassing the prohibition of evidence acquisition and the prohibition of evidence use, lies at its core. This theory continues to pose a challenge, conflicting with the realities of judicial practice both domestically and internationally [45]. In the judicial practice of land disputes, a substantial number of evidence materials and evidence methods often fail to align. This misalignment manifests in situations where evidence materials cannot be adequately extracted using available evidence methods and where the methods employed to extract evidence data do not neatly fit into established evidence method. Furthermore, the evidence method itself exhibits substantial loopholes and a lack of stability. Consequently, these discrepancies highlight the fundamental contradiction between evidence data and the evidence method. Refer to Table 3 to observe the discrepancies between the specific "evidence data–evidence method" and the relevance to the judicial practice of land disputes in China.

Table 3. Mismatch between the classification of "evidence materials–evidence methods" and the judicial practice of land evidence.

Case Index Number	Evidentiary Information	Evidentiary Methodology	Unfitted Option
(2020) Supreme Law Min Zhong No. 164	Information on the degree of alkalinization of land No. 16 in question from 2008 to 2011	It was determined by collecting satellite remote sensing images of Shandong Climate Center	The degree of land alkalinization cannot be identified by satellite remote sensing imagery
(2017) Supreme Law Min Zai No. 205	A statement of facts about the practice of a certain society not holding a general meeting on land adjustment	The manner in which this convention is proved is not stated	At this time, the evidence data lacks corresponding evidence methods
(2019) Supreme Law Min Zhong No. 72	A statement of fact that the appellant was unaware of the existence of the variation agreement before 27 May 2015	Use hypothesis and reasoning methods	The existence of hypothetical reasoning under the method of evidence is not specified
(2020) Supreme Law Min Zai No. 306	A factual explanation of the "overinvestment" of funds for expanding reproduction	This method of proof lacks factual basis and calculation method	There is no corresponding method of evidence for such evidence
(2020) SPC Xingshen No. 12183	Records of Site Survey of Land Dispute	Produced through the investigation situation and results	The judgment shows that this proof method has large loopholes and lacks a strong stability
(2020) SPC Xingshen No. 11400	"Schematic diagram of the building materials general factory in Umbrella Town" Agreement on the Settlement of Land Disputes between Brick and Tile Factories and Neighboring Workers	Through retrieval and other related methods	The judgment indicates that there is a phenomenon of circular argumentation between the evidentiary materials and the evidentiary method

Note: Data in the table were collected from https://wenshu.court.gov.cn/ in 26 May 2023.

Whether from the perspective of the dynamic operation of land evidence rules or in the sense of the static classification of land evidence types, the judicial application procedure of land evidence norms and the self-consistent operation of the land evidence system itself exist in all aspects of land dispute resolution. On this basis, the characteristics of land dispute resolution inevitably interfere with the rational use of evidence application rules in land disputes. In view of the reflection and criticism of land evidence application rules, we should first trace back to the characteristics of land dispute resolution to overcome the limitations of land evidence rules and have positive significance in supporting the construction of evidence logic in land dispute resolution. The settlement of land disputes reflects the collision of social multi-subjects and multi-values, especially in stakeholder land cases, showing a strong sense of uncertainty and crisis. This is manifested in the conflict of interest in land disputes between farmers and collective economic organizations, between farmers and new agricultural business entities, and between farmers and local governments. Among these, land evidence is mainly used in fact-finding issues such as the definition of ownership, boundary division, and land use modes of cultivated land, homesteads, and mountain forests. Judges conduct evidence investigation on such fact-finding issues involving land evidence in the judicial field and engage in pure understanding and independent evaluation of land evidence materials and land facts. In land disputes between farmers and new-type agricultural business entities, the fact-finding problem of land evidence mainly focuses on the transfer of land management rights. Farmers usually transfer land management rights to new-type agricultural business entities while retaining land contracting rights. In such cases, judges conduct fact-finding on contract defects and transfer procedures in the process of transferring land management rights through land evidence. In land disputes between farmers and local governments, the judicial application of land evidence rules focuses on various matters related to land acquisition and compensation standards following land acquisition. Such land evidence cases can be subdivided into compensation, announcement behavior, and administrative compensation. In compensation cases of land acquisition, the collection and investigation of land evidence serve to judge the legality of administrative organs' payment of land compensation and resettlement fees, personnel resettlement fees, compensation for young crops, and handling of social insurance premiums for landless farmers. In cases of announcement behavior, the collection and investigation of land evidence are mainly used to judge the illegality of administrative organs' failure to announce the land acquisition, demolition, and resettlement compensation scheme, as well as their behavior related to these announcements. In cases of administrative compensation for land acquisition, the judgement of illegality regarding violent occupation of cultivated land and other behaviors also depends on the facts proved by relevant land evidence. From this perspective, the uncertainty of land disputes and multiple conflicts of interest cause the universal justice of land evidence norms to deviate from the special justice demanded by farmers, new agricultural business entities, and administrative organs. When different land evidence rules have different provisions on the same land fact to be proved, conflicts between the rules will inevitably arise. Judges need to supplement public opinion in the process of constructing land dispute facts and land judicial trial norms with the help of proper judicial procedures and evidence mechanisms and adjust the rules for the use of land evidence.

4.4. Classification of Types of Evidence in Land Disputes According to the "Main–General–Reference" Effectiveness Ranking Method Is Relatively Suitable for China's Judicial Practice Concerning Land

Following the principle of free evaluation of evidence, the law should refrain from restricting the various levels of probative force of evidence. Instead, it should empower the judge to make an unbiased assessment based on the subjective impressions formed during the trial. In the context of land dispute litigation, the principle of free evaluation of evidence implies that judges must be convinced of the facts in these cases. This, in turn, suggests that the probative force of evidence related to land disputes should not be constrained in accordance with the principle of free evaluation of evidence. This section

examines whether land evidence types can be categorized based on their effectiveness, using the "main–general–reference" rank in judicial cases. However, a unique and complex relationship exists between different pieces of evidence and between evidence and case facts in land disputes. Achieving a balance in cases solely through the judge's subjective conviction, as seen in forest rights disputes, where a clear connection exists between the strength and weakness of evidence, becomes challenging. This paper seeks to demonstrate the potential for classifying types of evidence in land disputes according to the effectiveness rank classification standard, using typical forest rights dispute cases as examples. It aims to examine the feasibility of applying this approach to other types of land disputes, as shown in Table 4.

Table 4. The hierarchy of effectiveness of land evidence.

Case Index	The Specific Type of Evidence	Hierarchy and Ranks
(2021) SPC Xingshen No. 2729	Forest right certificate, first-instance and second-instance administrative judgment, agreement between the parties on the ownership of forest land	Lin Zhenzheng > administrative judgment of first instance and second instance Forest title certificate > an agreement between the parties concerning the ownership of forest land
(2020) SPC Xingshen No. 11757	Forest right certificate, land certificate, first-instance and second-instance administrative judgment, "four to" fixed evidence	Lin Zhenzheng > administrative judgment of first instance and second instance Land certificate > administrative judgment of first instance and second instance Lin Warrant > "four to" fixed evidence Land certificate > "four to" fixed evidence
(2020) SPC No. 249	Forest right certificate, first-instance and second-instance administrative judgment, map of the administrative region	Lin Zhenzheng > administrative judgment of first instance and second instance Map of the administrative regions > forest tenure certificate
(2021) SPC Xingshen No. 2019	Forest right certificate, self-retention mountain certificate	Forest right certificate > self-retention mountain certificate
(2019) SPC Xingshen No. 11909	Forest right certificate, self-retention mountain certificate, administrative judgment of the people's government, certificate of Chahuashan	Forest right certificate > administrative judgment of the people's government Administrative judgments of the people's governments > self-retention certificates Administrative judgment of the people's government > certificate of Chahuashan

Note: Data in the table were collected from https://wenshu.court.gov.cn/ in 26 May 2023.

By reviewing 135 adjudicative documents concerning forest property right certificates, land certificates, and agreements on forest and woodland in 2022, it becomes evident that the evidential strength of forest property right certificates and land certificates in land disputes related to forest property rights is notably stronger than that of agreements between the parties. In 2021, among 205 judgment documents involving forest right certificates, land certificates, and judgments from courts of first and second instances, it was observed that legally valid forest right certificates and land certificates hold greater probative force compared with judgments from courts of first and second instances. Furthermore, an examination of 211 judgment documents related to Chahuashan revealed that the mountain, where forest land ownership is located, is not within the scope of the rights-based collective organization. Instead, it falls under the collective organizations of other provinces, counties, and townships or state-owned land. Additionally, the examination included 64 judgment documents where Chahuashan mountain certificates coexist with hilly land retention certificates. However, this analysis failed to reveal a clear relationship between the probative force of hilly land retention certificates and Chahuashan mountain certificates. In 49 judgment documents where judgments of the first and second instances coexist with legally valid certificates of Chahuashan, it was found that the previous court judgments carry more

weight than the certificates of Chahuashan mountain in retrial. A similar pattern emerged in the 95 judgment documents in which certificates of private hilly land coexist with court judgments, forest right certificates, and land certificates. In summary, the relationship of probative force in land disputes related to forest rights can be summarized as follows: Forest right certificates and land certificates (primarily) hold more weight than agreements between the parties on forest and woodland, administrative rulings by the government, court judgment document, and (generally) more than Chahuashan mountain certificates, hilly land certificates, and administrative maps (for reference). This approach allows for the practical and objective classification of relevant evidence in land disputes according to the ranks of "main–general–reference" in forest right disputes. Given the commonality in the field of land disputes and the interconnected nature of relevant evidence, this classification method can also be applied to other land disputes outside the field of forest right disputes.

The cross-cutting of land evidence types hinders the application of systematic rules. Firstly, it is difficult to avoid the closed and formalistic tendency of current types of evidence, whether based on "personal evidence, physical evidence, and documentary evidence", or adopting methods like "materials, evidence, and final evidence", or even using the effective rank mode of "main, general, and reference". Under the division of "personal evidence, material evidence, and documentary evidence", this closed tendency will also lead to disadvantages such as the difficulty for judicial organs to appropriately classify negative identification of land evidence and expert opinions. Under the arrangement of "materials, evidence, and basis for final decision", it may also lead to a tendency for land administrative organs to replace the understanding of trial subjects. Although the division of "evidence materials and evidence methods" can dispel the closed tendency of legal evidence types to a certain extent, practice has shown that theories from other jurisdictions differ from those in China. Secondly, the classification of land evidence types mainly depends on the external form or information carrier of land evidence. Considering the finiteness of the external form and the infinity of land evidence information, the classification method based solely on the external form and information carrier will inevitably lead to the intersection and confusion of land evidence types. Once the land evidence is generated, its nature and attributes should be fixed. The intersection and confusion of land evidence types can easily lead to one type of land evidence being mistaken for another, which in turn can mix up land evidence rules and hinder the legal system. Thirdly, under the background of administrative pre-settlement of land ownership disputes, the classification of land evidence may facilitate administrative organs in collecting and investigating evidence, but it is not as conducive to thorough cross-examination as in court trial. The closed evidence division promotes the model of administrative organs' evidence collection, where the corresponding classification of land evidence in court trials is not the primary focus of the courts. Under the background of insufficient monitoring by state agents, pressure and self-interest expression of grassroots government officials, and the lack of functioning village social rules in land dispute resolution, the classification and intersection of land evidence types further hinder the application of systematic rules in land dispute resolution. Fourthly, under the current evidence law framework which adopts the "material theory" to define evidence, evidence is understood as the material that can be used to prove the facts of a case. In judicial practice, many land materials are excluded from the classification and application rules of evidence types because they do not conform to this definition. Land materials or land evidence are scarce resources in the settlement of land disputes. The limitation of the "material theory" to the concept of evidence restricts the reasonable classification of land evidence types and also hinders the use of land evidence.

5. Results

Through the typological presentation of land evidence in the fourth part, we gain insight into the adaptation and contradiction of land evidence within traditional evidence application rules. The types of land evidence are integrated into the macro evidence operation rules, including three aspects discussed in the fifth part: "civil preservation

system", "object scope of evidence collection", and "release of electronic evidence". The adaptation and contradiction of land evidence in traditional evidence application rules result from the current difficulty of the evidence classification model in accommodating the diversity of land evidence types. On one hand, the classification of land evidence and its operation rules depend on each other in the "classification–application" relationship. The significance of classifying evidence lies in its ability to establish general operational rules post-classification. This enables the foundational aspects of the land evidence system to be outlined by relying on the classification and operational rules. Clarifying the classification mode of land evidence types mainly addresses the structural problem of land evidence. Additionally, sorting out the application difficulties of the operational mechanism of land evidence, specifically the application rules of evidence, helps accurately identify the root problems of evidence application rules. On the other hand, the fuzzy classification standard of land evidence often leads to the intersection of land evidence classifications, impacting the operation of the land evidence system, especially in aspects such as the "civil preservation system" and the "collection scope of land evidence objects". Evidence classification serves as an external form that expresses the factual content of evidence. Land evidence lacking legally recognized external forms cannot enter litigation procedures, making it challenging to apply evidence application rules.

5.1. The Civil Preservation System Holds an Exclusive Role in Managing Land Evidence

Improper division of the evidence classification mode can result in the exclusion of the civil preservation system in the operation of land evidence. China's land legal system and the Civil Procedure Law do not explicitly regulate evidence preservation in land disputes. In practice, evidence preservation can be initiated either at the request of the parties involved in the land dispute or by the court, based on its authority and role in land dispute proceedings. When parties request evidence preservation before litigation, it follows the traditional application for the evidence preservation system, which requires the parties to provide certain guarantees. Evidence preservation in land dispute litigation becomes necessary when evidence is in an emergency situation. This means that evidence preservation should be based on the legal urgency of the evidence, making the applicable conditions relatively straightforward. In general civil disputes, evidence preservation is typically initiated during litigation and must be formally submitted to the court in writing before the expiration of the deadline for adducing evidence. The deadline is an essential aspect of land dispute proceedings.

In the case No. 662 of Guangdong Gaofa Firm Final Word (accessible at https://wenshu.court.gov.cn/) in 2015, the appellant, Mr. Li and others, filed an appeal against the appellee, the People's Government of Conghua District, Guangzhou City, concerning a land expropriation dispute. The appellants were dissatisfied with the administrative judgment of Guangzhou Intermediate People's Court and appealed against it. Two key concerns arise from the "Notice" delivered by the defendant's People's Government to the plaintiff. Firstly, the subject of the case typically does not initiate evidence preservation proceedings under China's evidence law. Secondly, the notice served by the defendant to the plaintiff lacks theoretical support in jurisprudence; essentially, it instructs the plaintiff to pursue litigation against the defendant. Under Article 68 of the Civil Procedure Law and Article 103 of the Interpretation of the Civil Procedure Law, the court ruled that evidence obtained after evidence preservation still requires cross-examination. However, the law lacks clear provisions regarding the specific procedures for initiating and implementing cross-examination. For example, in case No. 1645 of (2020) Ning 01 Minzhong (accessible at https://wenshu.court.gov.cn/), in the application for retrial, the applicant, Mr. Cheng, has applied for retrial as he was dissatisfied with the civil judgment of the Yinchuan Intermediate People's Court of the Ningxia Hui Autonomous Region in a land contract operation rights dispute case involving the appellee, Mr. Zhang, and the third party in the first instance, the Ningxia Zhenbeibu Forest and Grassland Experimental Base. The evidence preservation organized by the court was only preliminarily determined by the

notary office and was not fully cross-examined in court. Additionally, in China, parties have the right to request reconsideration if they disagree with the court's denial of an evidence preservation ruling. However, this reconsideration right is limited to a single instance, and no further remedies are available after reconsideration. The enforcement procedure of the preservation ruling continues despite the initiation of the reconsideration process. Even if the court grants preservation in land litigation, there is no relief procedure available for the party. Among the 80 land dispute cases involving evidence preservation in 2020, it is found that none of the lawsuits pursued relief measures after their application for evidence preservation was denied. This undoubtedly exacerbated the complexity of land disputes.

5.2. The Potential for Electronic Evidence in Land Disputes Needs to Be Explored

Due to litigation practices involving the presentation of various materials in different forms, each having distinct characteristics and potentially subject to different rules of evidence, a national classification system for evidentiary materials is established. The definition and expression of materials used as evidence may vary, leading to a specific classification. However, a fuzzy classification standard for land evidence often results in the overlapping of categories, impacting the functionality of the land evidence system and limiting the space for electronic evidence in land disputes. Since 2015, only three cases ((2018) Yun33 Minzhong No. 197, (2019) Qian2730 Hangchu No. 21, and (2019) Min0502 Hangchu No. 44, accessible at https://wenshu.court.gov.cn/) have involved the identification of electronic evidence in land dispute adjudication. The application of electronic evidence has revealed gaps and deficiencies. Electronic evidence, being highly virtual, requires acquisition through specific equipment [46]. In land disputes, parties or courts often focus on tangible materials and documents, such as land ownership certificates, rather than obtaining virtual information through equipment. Electronic evidence represents information that exists in virtual space, contradicting the characteristics of tangible evidence typically associated with the relevance and objective existence of land disputes. Nevertheless, the author believes electronic evidence holds promise in resolving land disputes. Firstly, as administrative litigation plays a significant role in land disputes, electronic evidence is advantageous for identifying evidence related to administrative cases. Electronic evidence is considered as a "trinity" [47], encompassing data that records legal relations' occurrence, changes, and eliminations, alongside associated information data and related trace data, forming a comprehensive body of mutual evidence. Case handlers in land disputes should not only consider the content of data messages but also request the "certificate of land contractual management right" based on the data message's underlying information. Some recent scholars argue for examining the text document (data message content) of the applicant's application rather than verifying the application itself. This includes analyzing factors such as the application's submission time, transmission history, modification history, applicant format and other information (ancillary data), storage records of application documents, source file storage information (associated trace data), and other elements. This examination is crucial in evaluating the administrative body's inaction concerning the confirmation of land contractual management rights. Secondly, electronic evidence is inherently stable. Compared with written evidence, electronic evidence maintains stability across different cases. While some scholars suggest the potential for forgery in electronic evidence, such alternations are more easily detectable. Current technology cannot facilitate undetectable fraud, thus enhancing the stability of evidence in land dispute cases that often involve substantial value.

5.3. The Challenges in Defining the Scope of Land Evidence Collection under the Conventional Evidence System

The improper classification of evidence can lead to challenges in the object scope of collecting land evidence within the conventional evidence collection system. Evidence science, with a focus on evidence admissibility, posits that the application scope and

functions of evidence law are limited. Consequently, two challenges arise in the judicial practice of land disputes. Firstly, judges often face difficulties in understanding the nature of land evidence, as their training primarily focuses on legal aspects, which may make them less familiar with practical land evidence such as the Chahuashan mountain certificate. Secondly, under the relevance rule in the Evidence Law, land evidence can only be admitted if it demonstrates "logical relevance". Determining the "logical relevance" of land dispute materials during the pre-trial phase can be a time-consuming process, causing delays in the inclusion of these materials in the pool of admissible evidence. To prevent time wastage in handling land dispute cases and mitigate the potential for improper judicial influence, this paper analyzes the hindrance posed by the evidence law collection system in resolving land disputes, including an examination of the object scope and admissibility of key evidence in practical land dispute cases (see Table 5). Among them, the data were collected from all kinds of cases involving the use of land evidence in the China Judgment Document Network in 2021. After searching in the China Judgment Document Network, it was found that the judicial judgments involving land disputes in 2021 had greater relevance compared with those in 2022 and 2023. Therefore, the land judicial cases from that year were selected as the research objects for this section. Since the launch of the China Judgment Document Network in July 2013, after 10 years of expansion, it has published more than 130 million judgment documents. This makes it not only the largest judgment document library in the world but also one of the landmark achievements of judicial reform and judicial openness in China, meeting the research needs of this paper on the application of land evidence rules. The citation ratio in Table 4 refers to the proportion of cases in which relevant land evidence was accepted among all land dispute cases in that year. The citation degree indicates the likelihood of specific land evidence being accepted by judges after it appears in a specific case, while the collection cost assesses whether specific land evidence can be easily obtained in real cases. According to the general principle of evidence law, whether land evidence can be accepted or not needs to meet the standards of authenticity and sufficiency, and land evidence must be verified before it can be used as the basis for deciding a case. In other words, in the land evidence permitted to enter the proceedings, if it is determined that certain land evidence is not authentic upon examination, the judge cannot accept the evidence or use it as the basis to finalize the case. The land evidence presented in the final case should not only be authentic in content but also sufficient in proof, meaning its probative force or value should adequately prove the facts in question. In the context of a land dispute case, 'sufficient evidence' means that all the land evidence presented possesses adequate probative force to establish the true circumstances of the case.

In the 2677 cases of land expropriation compensation in 2022, the land expropriation compensation and resettlement agreement exhibited a high citation ratio (20%) and a low acquisition cost. In contrast, the land expropriation voting document had a low citation ratio (0.2%) and low acquisition cost. In the 5634 cases of land confirmation in 2022, the collection cost of the land contractual management right certificate was low, with a high referral proportion (48%), resulting in a high collection cost performance ratio compared with land property ownership certificates and other evidence types. In the 957 cases of land demolition in 2022, the demolition compensation agreement often served as the primary subject of investigation by the parties or the court due to its high citation ratio (34%). In different types of land dispute litigation, evidence collection has its specific object scope, distinct from regular civil or administrative litigation. Analyzing the citation ratio and relevance of different evidence types based on specific land dispute types can optimize the cost of judicial proceedings.

Table 5. Characteristics of the scope of evidence in land disputes.

Types of Land Dispute Cases	Specific Evidence	Total Number	Number of Judgment Citations	Citeration	Degree of Citation	Cost
Compensation for land expropriation	Asset appraisal report	2677	13	0.005	low	high
Compensation for land expropriation	Expropriation compensation resettlement agreement	2677	578	0.2	high	low
Compensation for land expropriation	Land expropriation votes	2677	6	0.002	low	low
Compensation for land expropriation	Collateral discount agreement	2677	73	0.02	middle	low
Compensation for land expropriation	Transfer Circulation Agreement	2677	254	0.1	high	low
Compensation for land expropriation	Land Contracting Certificate	2677	50	0.02	middle	low
Confirmation of land rights	Land contract operation right certificate	5634	2711	0.48	high	low
Confirmation of land rights	Land and property ownership certificate	5634	54	0.01	low	low
Confirmation of land rights	Village Committee Certificate	5634	377	0.07	middle	low
Confirmation of land rights	Land subcontracting contracts	5634	42	0.007	low	low
Confirmation of land rights	Land Lease Agreement	5634	31	0.005	low	low
Confirmation of land rights	Renewal of land contracting contracts	5634	1	0	Not	Not
Land ownership certification	Demolition Permit	957	39	0.04	middle	low
Land ownership certification	Plot ratio	957	34	0.03	middle	high
Land ownership certification	Demolition compensation agreements	957	330	0.34	high	low
Land ownership certification	Property Valuation (Announcement)	957	131	0.17	high	high

Note: Data in the table were collected from https://wenshu.court.gov.cn/ in 5 May 2023.

6. Discussion

Effectively regulating land evidence to maximize its effectiveness implies the following concept: despite the existence of general classification modes and application rules within the field of evidence law, the application of land evidence has always been subject to certain limitations. Evidence classification and application rules are two fundamental aspects of contemporary evidence law. These aspects may have varying methods of combination across different countries and time periods. In the context of the land evidence system, the challenges to be addressed include determining the appropriate classification mode for land evidence and establishing the extent to which application rules for land evidence should be specified to align with the classification of land evidence types. To effectively

respond to these questions, there is a need to revisit the normative framework of evidence law. The optimized path of evidence types and rules in land disputes is shown in Figure 4.

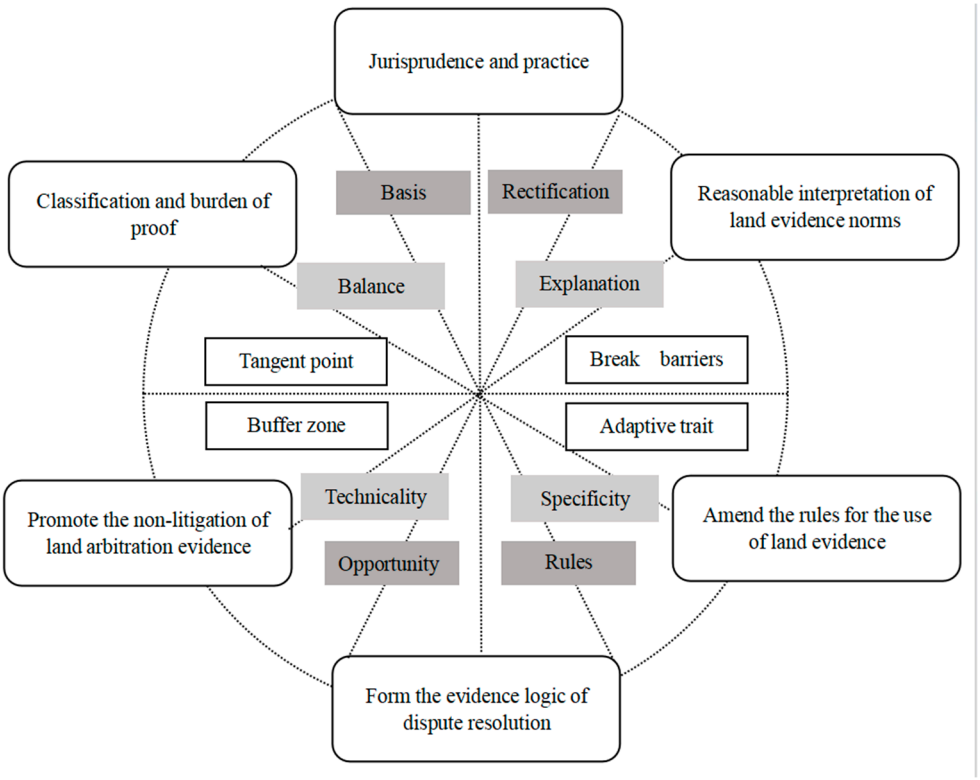


Figure 4. The optimization path of evidence types and rules in land disputes.

a. Balance the burden of proof of land evidence based on the classification of land evidence types.

In civil litigation involving land disputes, the Supreme People's Court's interpretation of the application of the People's Republic of China (PRC) Civil Procedure Law and the evidentiary principles outlined in the Supreme People's Court's Provisions on Evidence in Civil Litigation have been undermined to some extent by the heterogeneity of land disputes. The discomfort regarding the object scope of evidence collection within the conventional evidence collection system has also exacerbated the weakness and persistent shortcomings in evidence collection. In the judicial adjudication of land disputes, land evidence is often referred to as "the key to deciding the outcome of litigation", and the burden of proof forms the core of the evidence system. Once the burden of proof is assigned to one party, it may bear the risk of losing the case if evidence fails to meet the judge's evaluation standards. Therefore, balancing the burden of proof in land disputes is crucial. On this basis, to address the challenges in applying land evidence, the first issue to resolve is the allocation of the burden of proof for land evidence. Specifically, regarding "witness, material evidence, and documentary evidence", due to the land administrative organ's tendency to refute land evidence, the burden of proof should shift to the land administrative organ, establishing the burden of proof for the land use right holder rather than an obligation to dispose of the evidence. Similarly, under the evidence classification of "materials, evidence, and basis for deciding a case", the responsibility to prove the legality of land administrative acts should also lie with the land administrative organs. On this premise, the basic principle of "whoever advocates must provide evidence" should be maintained. This ensures the protection of subjective rights and the maintenance of objective legal order through land evidence classification while also avoiding the tendency of land administrative organs to influence the understanding of trial subjects. On the contrary, the effectiveness level of land evidence largely depends on the internal policies and regulations of administrative

organs within the hierarchy of "main, general, and reference". At this time, the burden of proof should be shared by the administrative counterpart and the land administrative organ. On the one hand, the settlement of land disputes commences with the application of the counterpart; on the other hand, the risk of losing the case due to the applicant for land dispute settlement being unable to provide evidence is partially mitigated.

At present, the rules of proof regarding land evidence are "pluralistic" in terms of norms and methods. In theory, they appear distinct, so it is necessary to balance the burden of proof based on the classification of land evidence. In order to address the issue of insufficient evidence related to the identification and compensation standards of public interest in practice, we should introduce a land evidence system that constructs a reasonable distribution of the burden of proof. This approach aims to prevent public interest cases from failing due to an excessive burden of proof or from neglecting public interests due to a light burden of proof. Based on the classification of land evidence types, we should pay attention to the identification of the facts claimed by the parties and make a typological analysis of the legal facts claimed by the parties. In addition, procedural value is the soul of procedure, which determines the function setting of procedural system and the purpose choice of procedural behavior. The division of burden of proof is the concentrated embodiment of the value choice of legislators behind the construction of land evidence system. Balancing the burden of proof of land evidence will promote the introduction of a land evidence system in land consolidation, land reserve, and land remediation. China's land system reform has entered a stage of "comprehensive deepening reform", during which the evidence system for land disputes should be introduced. This includes litigation involving land expropriation decisions, easement development, and other related issues, allowing it to fulfill its intended value. Incorporate the land evidence system into the participation of social capital in land remediation, reasonably solve land disputes with the help of a complete land evidence system, and promote social capital to participate in land remediation, which is a sufficient condition for minimizing the cost of land remediation [48]. At the same time, it is necessary to introduce the land evidence system into the responsibility of remediation and restoration of contaminated sites in the land reserve link, which will help establish the principles of combining no-fault and fault liability, lifelong responsibility for pollution, non-joint responsibility, and retrospective responsibility for polluters.

b. Taking the identification of land evidence as the tangent point, the buffer zone between jurisprudence and practice is constructed.

On the level of evidence classification and application in land disputes, aiming at the limitation of evidence classification based on "witness, material evidence, and documentary evidence", we should fully utilize its advantages of avoiding improper classification and maintaining the stability of the evidence system while also addressing its suitability for China's judicial practice. The classification of land evidence under "witness, material evidence, and documentary evidence" clarifies the types of land evidence, but this subdivision and classification requires discussion in jurisprudence. To resolve the dilemma of sorting out evidence in land disputes from the perspective of "materials, evidence, and the basis of the final decision", judicial organs should strictly distinguish between the concepts of "materials in land disputes", "evidence in land litigation", and "evidence in the final decision of land disputes" in judicial practice. They should reasonably restrict the authority of land administrative organs to collect evidence in the early stages of land disputes and emphasize the expertise of the trial participants in examining evidence. To address the contradiction between the dual structure of "evidence materials and evidence methods" in determining evidence applicability in land disputes, it should be clarified whether the theory of evidence exclusion is reasonable in land disputes. Given that this classification method emphasizes the non-static characteristics of evidence itself, it is necessary to seek a balance between the static nature of evidence materials and the dynamic nature of evidence methods when making such classifications. While it is relatively reasonable to classify land dispute evidence into "main, general, and reference" categories, it is necessary to sort out and analyze the distinct characteristics of each key piece of evidence. Dividing the evidence

solely based on effectiveness ranking without considering the specific characteristics of individual land evidence may perpetuate the shortcomings of other classification methods. Therefore, it is essential to ensure a balanced approach in land dispute cases under such classification systems to prevent the risk of sacrificing case justice while aiming for an integrated evidence system.

Construct a buffer zone between land law, evidence law, and practice, form a harmonious relationship between evidence preservation system and land evidence type classification standards, and apply and optimize the evidence classification in land dispute practice according to the same standard. The result is the formation of heterogeneous land evidence type sub-items through corresponding commensurate land evidence classification models. There is an urgent need to form a trinity buffer zone of "protest, cancellation, and compensation" in the legal theory of land law and the practice of land rule by law. In the absence of the preservation and relief procedures for land disputes mentioned above, protesting to the higher-level court that made the preservation ruling can effectively solve the disadvantages of limited reconsideration times and repeated reviews. At the same time, giving the court the right to cancel the preservation procedures can not only implement the basic principle of "disposition by the parties" but also balance the interests between the land administrative organ and the affected parties. Additionally, to prevent the applicant from abusing their rights under the mechanism of "protest and revocation" and weakening judicial authority, granting the respondent the right to apply for compensation according to the principle of fault liability can prevent the balance from tilting towards the party of land evidence preservation. It is worth noting that to allow all types of land evidence (sub-types) to coexist, it is necessary to coordinate the corresponding land evidence rules and classify the analyzed land evidence to suit the evidence rules in judicial practice. That is to say, to address issues such as the exclusion of the civil preservation system in land disputes, the limited application space of electronic evidence in land disputes, and the inadequacy of the object range of evidence collection in land disputes under the conventional evidence collection system, we should consider different preservation methods and procedures corresponding to different land evidence items based on the existing optimization model of land evidence classification. When expanding the scope for electronic evidence, it is important to release different subcategories of land evidence separately. In addition, the object scope of land evidence collection should also be treated differently according to the sub-items of land evidence. This includes setting the preservation period based on the specific trial duration of different land disputes. Conditions for applying for preservation, such as the subject of preservation and whether it is necessary to provide a guarantee, should be specified according to different types of disputes. Additionally, special reconsideration relief procedures should be stipulated for land dispute litigation cases to fully protect the legitimate rights and interests of the parties involved in land dispute litigation.

c. Based on "Land Management Law" and "Rural Land Contract Law", the standard of land evidence is reasonably explained.

The application of law cannot be separated from interpretation, just as the rules of land evidence cannot. Evidence rules, which are generally principled and vague in literal structure, provide a large space for legal interpretation. If a certain rule of evidence is too narrow in literal meaning and lacks sufficient discretion and interpretative space, it may be necessary to use methods of broadening interpretation or even filling gaps to meet application needs, whereas procedural rules are generally more restricted in this regard. Therefore, provisions of land law such as the Land Management Law and Rural Land Contract Law should be adopted. Article 68 of the supervision and inspection chapter of the Land Management Law stipulates that governments at or above the county level can survey illegally occupied land and, at the same time, allows for the copying of documents and materials related to land rights. However, it does not specify the effectiveness grade of several types of investigation materials. Here, a hierarchical system similar to the principle in Civil Procedure Law, where the probative power of primary evidence is generally greater than that of secondary evidence, should be established to clarify these provisions. The

supervision and inspection chapter of the Land Management Law adheres to the principles outlined in procedural law. Article 69 stipulates the conditions under which land managers can perform the procuratorial supervision duties, similar to the corresponding qualification requirements for law enforcement officers in the Criminal Procedure Law. Therefore, this chapter should specify in detail the sampling types, legal categories, and corresponding levels of probative force for various types of land management, rather than generalizing under Articles 67 to 73. These provisions place pressure on standardizing evidence standards in civil procedure law and other procedural laws. Precisely because of the specificity of land disputes, it is challenging for other procedural law departments to stipulate detailed rules, which also helps alleviate the pressure of standardizing evidence in other departments. Furthermore, the chapter on dispute settlement and arbitration in the Rural Land Contract Law also presents some general issues. It lacks detailed specifications regarding the level and jurisdiction of the administrative department authorized to impose penalties, and it does not clarify the jurisdiction of the administrative department responsible for investigating the evidence on which such penalties are based. Moreover, the absence of detailed provisions on land disputes in administrative law can easily lead to issues of unclear jurisdiction and delays in obtaining evidence at the optimal times. Therefore, the chapter on dispute settlement and arbitration should establish corresponding provisions regarding the investigative authority and jurisdiction of the land administrative department.

To break down the disciplinary barriers between departmental law and explain the evidentiary norms of land law, we should, in the reform of land value-added tax, transcend the disciplinary boundaries of tax law, land law, and evidence law. We need to establish a tax–land evidence system and extend the scope of land evidence collection to the field of tax calculation. The comprehensive management of the three laws contributes to achieving "good law and good governance" of land value-added tax: tax law implements the "statutory principle of taxation" for land value-added tax; land law regulates land development and utilization. As the land tax transitions from urban–rural duality to urban–rural integration, there should be unified measurement standards for land area and cultivated land area in the Land Management Law and the Urban Real Estate Management Law. It is essential to clarify the evidence classification of land attachments and above-ground buildings, define different land materials for calculating deed tax and land tax increases, and establish legally compliant methods for tax calculations under the evidence framework to enhance land governance. In terms of local government's land financial governance, we should break down the barriers between fiscal law, land law, and evidence law. We should establish a land financial evidence system, standardize the dual role of the government as both a player and referee in the land financial process [49], and utilize the tripartite role of fiscal subject, land law (regulating land use channels and land income distribution), and evidence law (assisting in regulating the land expropriation process, especially in determining the compensation standard for land expropriation). There is an urgent need to introduce the appraisal institution and benchmark date for determining the "market price" at the time of land expropriation as stipulated in the Criteria for Determining the Market Price of Land Expropriation. At the same time, it is necessary to supplement the stipulation regarding the "market price of the place where the contract is performed" in the land transfer agreement in the Land Management Law so as to realize good governance of local governments in land finance. Breaking the barriers of social law, land law and evidence law in rural public services involves integrating the principles of social law with the administrative aspects of land law. This approach emphasizes the qualitative and quantitative collection of evidence within policy frameworks, effectively controlling theoretical evidence and evaluating evidence according to the standards set for identifying social welfare lands in land law. It aims to strengthen the construction of grassroots political power and rationalize the relationship between grassroots political entities and farmers.

d. According to the types of land disputes, revise the rules of land evidence application.

In disputes over land contractual management rights, the certificate of land contractual management right has become an official document because it is issued by the people's

government at or above the county level and registered by the administrative department of agriculture, lending it strong social credibility. Although in judicial practice concerning land disputes, an empirical approach has been developed to infer substantive truth from formal truth, the formal validity of an official document certificate is presumed to be unfounded. There is an urgent need to supplement the legal norms regarding the presumption of the authenticity of official documents. In the land evidence system, it is also necessary to supplement the rules concerning the presumption of the authenticity of the land contractual management right certificate. Specifically, it could be stipulated that upon submission of the certificate of land contractual management right, one party can directly presume its authenticity. If the judge has any doubts about the authenticity of the certificate, they can request the filing department of the agricultural administrative department to investigate and verify the existence of the land contractual management right certificate according to their authority. If the other party objects to the authenticity of the land contractual management right certificate, they must present evidence to rebut the presumption of its authenticity. In summary, once one party submits the land contractual management right certificate, their initial burden of proof is fulfilled. At this point, the judge has established a presumption of authenticity regarding the land contractual management right certificate. The burden of proof will shift to the other party. If it cannot provide evidence to refute the truth of the items recorded in the certificate of land contractual management right, the judge will affirm the authenticity of those recorded items.

In the case of the land management right transfer contract, the presumption rule should not be applied to determine its substantive truth. The determination of the substantive truth of the land management right transfer contract should fall within the scope of the judge's discretionary evaluation. Since the land management right transfer contract is not as credible as the land management right certificate, the judge should make a scientifically and appropriately based judgment on its substantive truth using their own experience and conviction. Compared with the transfer contract of land contractual management rights, people trust the certificate of land contractual management right more due to the authority of the issuing organization. In judicial practice concerning land disputes, judges generally believe that its authenticity is beyond doubt. In terms of the formal authenticity of the land contractual management right transfer contract, presumption rules can be applied to infer its formal authenticity, which could be supplemented in the land evidence system. It can be specifically stipulated that when the land contractual management right transfer contract is unsigned, the party presenting the certificate must prove its authenticity. When the land contractual management right transfer contract is signed, presumption rules can be directly applied to infer its formal authenticity.

In disputes over land expropriation compensation, the weakening of the authority of land evidence rules stems from several factors. These include the incomplete reflection of the principle of legality review, differences in the interpretation of prosecution conditions in judicial practice, the incomplete implementation of the basic principle of burden-of-proof distribution ('whoever advocates must provide evidence'), and the generalized use of the burden-of-proof concept, which has led to unfair distribution of the burden of proof. To adjust and rectify the rules of land evidence in disputes over land expropriation compensation, we should focus on the following aspects: First, introduce the concept of burden of proof in judicial trials of land expropriation compensation cases. Distinguish between burdens of proof and limit the responsibility of administrative bodies to provide evidence in administrative litigation cases related to land expropriation compensation. They should be required to provide the legality of the land expropriation. Second, limit the burden of proof for parties involved in land expropriation to presenting evidence. They should only need to prove that there is a dispute over the legality of the land expropriation, without having to bear the burden of proving its illegality. The second aspect is to clarify the basic principle of burden-of-proof distribution in cases where the land acquisition procedure is not transparent and the scope of land acquisition is excessively broad. It should be noted that even if the defendant administrative organ bears the burden of

proof in land acquisition compensation cases, it still embodies the principle of "whoever advocates must provide evidence" in essence, as the legality of land acquisition actions is primarily examined in land acquisition administrative litigation cases. Naturally, the defendant administrative organ should bear the burden of proof within the scope of proving the legality of land acquisition, demonstrating to the court that its claim is grounded in facts and laws. If the land administrative organ cannot prove its claim with evidence, the court will presume that it cannot establish its claim. The third aspect involves forming a consensus on the facts to be proved in judicial trials of land expropriation compensation disputes. This includes determining the norms applicable to land expropriation behavior when conducted by land administrative organs and the outcomes of such behavior. It is clear that the objects to be proved in administrative litigation cases of land expropriation compensation are the facts related to the legality of administrative actions such as land expropriation compensation by land administrative organs [50]. This is also one of the important characteristics that distinguish land expropriation compensation disputes from land contract management disputes.

e. Based on the characteristics of land disputes, the evidence logic of dispute resolution is formed.

According to the stakeholders of land disputes, the types of land disputes can be divided into land disputes between farmers and collective economic organizations, disputes between farmers and new agricultural management entities, and disputes between farmers and administrative organs. Various types of dispute subjects reflect the characteristics of multiple conflicts of interests in land disputes. In this sense, the formation of the evidence logic of land dispute resolution needs to adapt to the characteristics of this multi-interest conflict. Firstly, most land disputes between farmers and collective economic organizations are caused by land ownership disputes. The evidence rules related to land ownership disputes are mainly stipulated in the Measures for the Investigation and Handling of Land Ownership Disputes. However, this method was issued earlier and it is difficult to adapt to the complicated situation of ownership disputes in current land disputes. The conflict of interests between farmers and collective economic organizations is managed through the evidence logic of dispute resolution. It is necessary for land evidence to accurately identify relevant facts. First, it should determine whether the contract awarding process is normative and fair. This includes verifying whether all villagers' meetings are held during the contract awarding process based on land evidence and whether more than two-thirds of villagers' representatives agree with it. Second, it should assess whether the land adjustment process is reasonable and transparent. Land evidence should effectively explain such facts when collective economic organizations illegally reclaim land that has been leased to farmers and forcibly take back land from citizens such as migrant farmers, farmers settled in small towns, and married women. Additionally, the conflict of interest between farmers and new business entities is mainly caused by disputes over the transfer of land contractual management rights. The rules for the use of land evidence should be conducive to proving complex facts in such disputes, including situations where parties do not sign a formal written circulation contract, and establishing an evidence chain to prove the elements of liability for breach of contract without the approval, filing, and registration of the land circulation management department. Among them, proving the transfer of mobile land and wasteland also involves the facts being proved in the bidding and bidding process. Furthermore, the conflict of interest between farmers and administrative organs is mainly caused by disputes over land expropriation compensation. For reasons such as excessively broad land expropriation scope, opaque land expropriation procedures, inadequate land expropriation compensation standards, and unfair compensation distribution, a rational land evidence logic should also be established to adjudicate the relevant facts to be proved. This includes confirming the location, scope, and area of the land in question by the plaintiff, the relevant facts regarding attachments and structures on the ground, and the pertinent details contained in the land plan.

Land dispute resolution is characterized by the coexistence of technology and operability and the interweaving of specialization and system [51]. This forms the evidence logic of land dispute resolution, and it is necessary to coordinate the use of land evidence with the technical and specialized characteristics of land dispute resolution. Firstly, it is necessary to establish an expert assistant evidence system in land-related cases. This will empower expert assistants to actively contribute to land-related cases, enabling them to differentiate their opinions from those of the parties at a deeper level, thereby justifiably participating in the proceedings. At present, in judicial practice concerning land disputes, experts on land issues are neither witnesses nor expert witnesses, nor do they belong to litigation assistants. Therefore, we should establish a special rule system for experts on land issues in land cases and explicitly define the status of land experts as participants in litigation. At the same time, we should clarify the types of evidence on which land experts provide opinions, limit the scope of expert opinions, and strengthen the adversarial nature of land case trials. Secondly, it is necessary to improve the connection system between the land evidence gathered during the administrative organ's preliminary investigation and the evidence finalized in judicial trial. This includes clarifying which evidence obtained during the administrative organ's preliminary investigation can be used as finalized evidence in land-related cases and which evidence requires further investigation by the trial organ before it can be considered finalized. It is also important to strengthen the evidence review process during the connection of land evidence. In the preliminary investigation stage of land ownership disputes by the administrative organ, the examination of evidence involves assessing and identifying the land evidence collected by administrative organs. This process aims to establish the connection between this land evidence and the facts of land ownership, confirm the probative value and evidential strength of the evidence materials, and accurately identify the facts of the case. To a certain extent, this can help avoid infringement of the basic rights of the parties involved in land ownership disputes due to errors in the use of land evidence in trials. It also ensures the objectivity, legality, and relevance of land evidence in the trial. Therefore, during the preliminary investigation of land evidence, the administrative organ should conduct a comprehensive review to ensure that the land evidence conforms to the principles of authenticity, legality, and relevance. Furthermore, it is necessary to establish a professional team for the trial of land disputes, promote the specialization and professionalization of the land case trial team, enhance their professional capabilities, strengthen coordination with judicial administrative organs, people's congresses, and other departments, and include land experts as jurors when selecting jurors to participate in land dispute trials.

f. Taking the opportunity of supplementing the rules of evidence in land arbitration to promote the non-litigation of evidence in land arbitration

China's special provisions on evidence for arbitration of land disputes are limited to the relevant provisions in Articles 37 to 42 of the Law on Mediation and Arbitration of Disputes over Rural Land Contract Management (hereinafter referred to as the Land Arbitration Law). A series of derived contradictions have arisen in the process of releasing land use rights and protecting farmers' qualification rights under the background of separation of powers. The lack of rules on evidence preservation, burden of proof, and evidence admissibility in land dispute arbitration has brought confusion to the development of increasingly numerous land arbitration cases: how to maintain the autonomy of arbitration procedures. As for the preservation of arbitration evidence, the Arbitration Law of the People's Republic of China (PRC) (hereinafter referred to as the Arbitration Law) and the Land Arbitration Law only stipulate that the parties may apply for evidence preservation, and the arbitration commission shall submit the parties' application to the grassroots people's court where the evidence is located. There is no provision on how to take measures to protect the land evidence before arbitration to prevent its damage and loss, which creates challenges for evidence preservation in land arbitration practice. Because the preservation period of evidence may overlap with agricultural activities after arbitration, the parties in land disputes may face difficulties in choosing between agricultural production and evidence

preservation. It is urgent to supplement the relevant contents of applying for evidence preservation before arbitration in the land arbitration rules. On the one hand, this can prevent delays in the preservation period and ensure the objectivity and fairness of land arbitration; on the other hand, it can allow the disputing parties to engage in agricultural production without interference during periods outside the preservation period [52]. In addition, the Arbitration Law does not grant the arbitration tribunal the authority to apply for evidence preservation, and Article 42 of the Land Arbitration Law only allows the land arbitration tribunal to decide on evidence preservation when the rights and obligations are clearly defined. This limitation becomes problematic in cases involving seasonal and cyclical agricultural production, where the arbitration tribunal cannot directly preserve the evidence. This situation may lead to missed opportunities for land evidence preservation and could damage the tribunal's neutral image in resolving land disputes. To address this, if the arbitration tribunal is empowered to adjudicate substantive rights and obligations, it should also be granted the authority to apply for land evidence preservation.

As for the burden of proof in land dispute arbitration, Article 37 of the Land Arbitration Law continues the general evidence provision of "whoever advocates gives evidence", and the Arbitration Law also indicates that the allocation of burden of proof can refer to the relevant provisions of the Civil Procedure Law. However, the Arbitration Law and the Land Arbitration Law do not stipulate whether the arbitral tribunal can apply the principle of fairness or good faith to allocate the burden of proof when it cannot be reasonably allocated in land disputes, similar to the court. In order to reduce the inconvenience of land dispute arbitration, the arbitration tribunal should be granted discretion to allocate the burden of proof. When the burden of proof cannot be determined under existing laws, the arbitration tribunal can allocate the burden of proof reasonably according to the principles of fairness and good faith. As for the acceptance of evidence, the general consensus that "the evidence is valid if the arbitral tribunal thinks it is appropriate" is not clearly stipulated in the Arbitration Law, the Land Arbitration Law, and other relevant laws and regulations. This often leads to ambiguity in the practical application of land arbitration. In addition, a large number of laws and regulations such as the Civil Procedure Law and the Supreme People's Court's Several Provisions on Evidence in Civil Litigation are applied mutatis mutandis, which can lead to deviations from the non-judicial nature of arbitration, especially in land arbitration. In this regard, the Land Arbitration Law makes supplementary provisions on land evidence preservation, burden of proof, and evidence acceptance. At the same time, there is an urgent need to introduce unified evidence provisions covering different types of disputes such as land use rights disputes and land management rights disputes and to strengthen the independence of land arbitration.

7. Conclusions

At present, China lacks a theoretical system of land evidence that can integrate different research traditions, and specific applicable rules for different types of land evidence can only be summarized through judicial judgments. Formulating specific rules and addressing the challenge of discreteness beyond individual rules is a significant issue in the field of land evidence. It is of great theoretical and practical significance to study the evidence system of land disputes and explore effective ways to resolve them in order to improve the level of land management and eliminate social instability [53]. On the basis of compiling the legal basis and evidence application mechanism of land disputes, this paper analyzes the current application of land evidence. The aim is to explore feasible methods for establishing a land evidence system and resolving land disputes.

Undeniably, the research of evidence law in China has made great progress in recent years. However, while the framework of evidence law is developing vigorously, it also faces challenges such as insufficient attention to the types and application rules of evidence in specialized fields and difficulty in effectively applying general principles of evidence law to specific dispute resolutions. This paper draws the following conclusions:

a. When categorizing types of land evidence, dividing them into "witness, material evidence, and documentary evidence" may result in passive identification by judicial bodies, while the categorization into "material, evidence, and basis for deciding a case" tends to be used by administrative bodies. Therefore, it may be practical and feasible to cautiously adopt a dual structure of "evidence materials and evidence methods" and classify them as "main, general, and reference" modes. In terms of the difficulties in the application rules of land evidence, there are obstacles in the scope of evidence collection for settling land disputes. The evidence preservation system holds an exclusive position in these settlements. Additionally, the burden of proof is often confused between subjective and objective aspects, and there are gaps and deficiencies in the electronic application of land evidence.
b. The reasons for the difficulty in applying evidence in land disputes are, on the one hand, the characteristics of resolving land disputes restrict the rational use of evidence rules. On the other hand, it is rooted in the applicable space of fuzzy restrictive rules in the interpretation of land evidence norms. In addition, the unclear classification of land evidence types hinders the use of systematic rules, and the confusion in judicial identification of land evidence weakens the authority of the use of rules.
c. The application of land evidence, on the one hand, needs to rationally allocate the value of "fairness and efficiency", construct the introduction channels of land evidence in land consolidation and land reservation, and address important issues of good land governance. On the other hand, it is necessary to refine the classification of evidence according to its types and characteristics, and to correct the buffer zone between evidence law and practice. At the same time, it is necessary to break the barrier of departmental law, extend the problem of land evidence to the semantics of "good law and good governance", and reasonably explain the evidence norms of land law through legal argumentation.

To solve the difficulties in the classification of land evidence types and the application of evidence rules in China, we cannot rely solely on perfecting a single land evidence system, nor can we depend on a single evidence department law [54]. Currently, research in various legal evidence departments has begun to consciously break down the barriers of departmental law disciplines. Increasingly, emphasis is being placed on treating land evidence norms as a "domain problem" and conducting systematic research from a multi-disciplinary perspective within law. This approach provides a long-term solution to the issues related to the application of land evidence rules. In the future, it is necessary to study in detail how to rationally allocate the values of "fairness and efficiency" in the application of land evidence. Additionally, we need to consider how to construct the introduction channels of land evidence in land consolidation and land reservation, address important issues of good land governance, and break the barriers of departmental law. Extending the problem of land evidence to the semantics of "good law and good governance" also requires further analysis and discussion.

Author Contributions: Conceptualization, L.L. and H.G.; methodology, L.L. and H.G.; validation, L.L. and H.G.; formal analysis, L.L. and H.G.; investigation, L.L., H.G., and B.S.; resources, L.L.; data curation, L.L., H.G., and C.C.; writing—original draft preparation, L.L., H.G., and C.C.; writing—review and editing, L.L., H.G., and B.S. All authors have read and agreed to the published version of the manuscript.

Funding: The research was supported by The National Key R&D Program of China: 2021YFD1900700 and The National Social Science Fund of China: 23BFX060.

Data Availability Statement: The authors confirm that the data supporting the findings of this study are available within the article.

Conflicts of Interest: The authors declare no conflicts of interest.

References

1. Wu, H. Interpretation and Theory: The Traditional Dual Pattern of Evidence Law Research in Britain and America. *J. East China Univ. Political Sci. Law* **2011**, *1*, 83–92.
2. Lin, J. Reflection on The Function of China's Evidence Classification System Analysis Centered on Criminal Proceedings. *J. Zhejiang Univ. Humanit. Soc. Sci. Ed.* **2015**, *45*, 36–46.
3. Zheng, G.G.; Alexander, N.; Wei, C. Beyond witnesses: Introducing stylized perspective into modern evidence law. *Evid. Sci.* **2022**, *30*, 322–355.
4. Li, T. Summary of the International Symposium on Evidence Science in 2021. *Evid. Sci.* **2022**, *30*, 126–129.
5. Garrett, B.L. Constitutional Law and The Law of Evidence. *Cornell Law Rev.* **2015**, *101*, 57.
6. Morgan, E.M. The law of Evidence, 1941–1945. *Harv. Law Rev.* **1946**, *59*, 481–576. [CrossRef]
7. Gilbert, G. *The Law of Evidence Catherine Lintot*; Henry Lintot: London, UK, 1791.
8. Wang, Z. The peculiarity of American evidence law: An outsider's observation and reflection. *Int. J. Evid. Proof* **2022**, *26*, 271–286. [CrossRef]
9. Wang, Z. The fate of evidence law: Two paths of development. *Int. J. Evid. Proof* **2020**, *24*, 329–348. [CrossRef]
10. Zhang, M.; Zwier, P.J. Burden of proof: Developments in modern Chinese evidence rules. *Tulsa J. Comp. Int. Law* **2002**, *10*, 419.
11. Zheng, F. Theory of evidence attribute hierarchy-theoretical reflection based on evidence rule structure system. *Law Res.* **2021**, *43*, 123–137.
12. Du, W. Likelihood rate model for evaluation of probative force of evidence. *J. East China Univ. Political Sci. Law* **2017**, *20*, 149–158.
13. Wehrmann, B. *Land Conflicts: A Practical Guide to Dealing with Land Disputes*; GTZ: Eschborn, Germany, 2008.
14. Hurwitz, A.; Studdard, K.; Williams, R. *Housing, Land, Property and Conflict Management: Identifying Policy Options for Rule of Law Programming*; International Peace Institute: New York, NY, USA, 2022.
15. Greenspan, M. *The Modern Law of Land Warfare*; University of California Press: Oakland, CA, USA, 2023.
16. Bernstein, H. Rural land and land conflicts in Sub-Saharan Africa. In *Reclaiming the Land: The Resurgence of Rural Movements in Africa, Asia and Latin America*; Zed Books: London, UK, 2005; pp. 67–101.
17. Medarov, G. Land concentration, land grabbing and land conflicts in Europe: The case of Boynitsa in Bulgaria. *Land Conc.* **2013**, 154. Available online: https://www.hlrn.org/img/documents/land_in_europe_1.pdf#page=154 (accessed on 3 June 2024).
18. Lund, C.; Odgaard, R.; Sjaastad, E. *Land Rights and Land Conflicts in Africa: A Review of Issues and Expériences*; DIIS: Copenhagen, Denmark, 2006.
19. Bedi, H.P.; Tillin, L. Inter-state competition, land conflicts and resistance in India. *Oxf. Dev. Stud.* **2015**, *43*, 194–211. [CrossRef]
20. Dietz, K.; Engels, B. Analysing land conflicts in times of global crises. *Geoforum* **2020**, *111*, 208–217. [CrossRef]
21. Iswantoro, I. Strategy and Management of Dispute Resolution, Land Conflicts at the Land Office of Sleman Regency. *J. Hum. Rights Cult. Leg. Syst.* **2021**, *11*, 1. [CrossRef]
22. Kalabamu, F.T. Land tenure reforms and persistence of land conflicts in Sub-Saharan Africa–the case of Botswana. *Land Use Policy* **2019**, *81*, 337–345. [CrossRef]
23. Yep, R.; Forrest, R. Elevating the peasants into high-rise apartments: The land bill system in Chongqing as a solution for land conflicts in China? *J. Rural Stud.* **2016**, *47*, 474–484. [CrossRef]
24. Chitonge, H.; Mfune, O. The urban land question in Africa: The case of urban land conflicts in the City of Lusaka, 100 years after its founding. *Habitat Int.* **2015**, *48*, 209–218. [CrossRef]
25. Lilly, G.C. *An Introduction to the Law of Evidence*; West Publishing Company: Eagan, MN, USA, 1978.
26. Lepsius, O. The quest for middle-range theories in German public law. *Int. J. Const. Law* **2014**, *12*, 692–709. [CrossRef]
27. Posner, R.A. An economic approach to the law of evidence. *Stan. L. Rev.* **1998**, *51*, 1477. [CrossRef]
28. Keane, A.; McKeown, P. *The Modern Law of Evidence*; Oxford University Press: Oxford, UK, 2022.
29. Porter, S.; Ten Brinke, L.C. Dangerous decisions: The impact of first impressions of trustworthiness on the evaluation of legal evidence and defendant culpability. *Psychol. Crime Law* **2010**, *16*, 477–491. [CrossRef]
30. Saks, M.J.; Spellman, B.A. *The Psychological Foundations of Evidence Law*; NYU Press: New York, NY, USA, 2016.
31. Allen, R.J.; Pardo, M.S. The problematic value of mathematical models of evidence. *J. Leg. Stud.* **2007**, *36*, 107–140. [CrossRef]
32. Rusakova, E.P.; Inshakova, A.O.; Frolova, E.E. Legal Regulation of Internet Courts in China. In *Modern Global Economic System: Evolutional Development vs. Revolutionary Leap 11*; Springer International Publishing: Berlin/Heidelberg, Germany, 2021; pp. 1515–1521.
33. Lawson, R.G. *The Kentucky Evidence Law Handbook*; LexisNexis: Hong Kong, China, 2019.
34. Ho, H.L. *A Philosophy of Evidence Law: Justice in the Search for Truth*; OUP Oxford: Oxford, UK, 2008.
35. Zhang, B. Facts, evidence and facts. *China Soc. Sci.* **2017**, *8*, 110–130+206.
36. Chen, R. New legal evidentialism centered on limiting the probative force of evidence. *Leg. Res.* **2012**, *34*, 147–163.
37. Zhang, B. Disciplinary analysis of the concept of evidence-from the perspective of law, philosophy and science. *J. Sichuan Univ. Philos. Soc. Sci. Ed.* **2013**, *1*, 139–154.
38. Pereira, R.S. Evidence models and proof of causation. *Law Probab. Risk* **2013**, *12*, 229–257. [CrossRef]
39. Rix, K. Expert evidence: Frequently asked questions. *J. Forensic Leg. Med.* **2021**, *77*, 102106. [CrossRef] [PubMed]
40. Zhang, B.; Wang, X. Progress of rule of law in China (2017–2018). *Evid. Sci.* **2020**, *28*, 5–45.
41. Leubsdorf, J. Evidence Law as a system of incentives. *Iowa L. Rev.* **2009**, *95*, 1621.

42. Long, Z. Progress and its limitations-an observation on the adjustment of evidence system. *Forum Political Sci. Law* **2012**, *30*, 3–13.
43. Cheng, J. Empirical study of contemporary China. *China Law* **2015**, *6*, 60–78.
44. Sun, Y. On "correction" and "reasonable explanation"—From "defect cure" to "the purpose of legal norms". *China Crim. Law J.* **2015**, 80–97. Available online: https://kns.cnki.net/kcms2/article/abstract?v=O_Pen4SgC0AgcQ-TURUhCeowhy-Q2tuRVM-v95LnpTySEHwy0XuKRsBe3WmLZLZ8T9az5uJF_DILhmWn2ndFlkDhFeoA2i0DLEJPA9e5ecqAz0-9W8CEBSQH4cIt4ytg&uniplatform=NZKPT&language=gb (accessed on 3 June 2024).
45. Bastuck, B.; Gopfert, B. Admission and Presentation of Evidence in Germany. *Loyola Los Angeles Int. Comp. Law Rev.* **1993**, *16*, 609.
46. Wang, M. The formation and authenticity of electronic evidence. *Law* **2017**, *6*, 183–192.
47. Liu, P. Relevance of electronic evidence. *Leg. Res.* **2016**, *38*, 175–190.
48. Milczarek-Andrzejewska, D.; Zawalińska, K.; Czarnecki, A. Land-use conflicts and the common agricultural policy: Evidence from Poland. *Land Use Policy* **2018**, *73*, 423–433. [CrossRef]
49. Markuszewska, I. Conflicts between legal policy and rural area management in Poland. *Acta Geogr. Slov.* **2018**, *58*, 59–67. [CrossRef]
50. Stacherzak, A.; Hełdak, M.; Hájek, L.; Przybyła, K. State interventionism in agricultural land turnover in Poland. *Sustainability* **2019**, *11*, 1534. [CrossRef]
51. Grochowska, A.; Małecka, M. Potential Conflicts in the Land-Use Planning Process: A Case Study of the Rural Commune of Oleśnica (Poland). *Quaest. Geogr.* **2020**, *39*, 129–137. [CrossRef]
52. Zróbek-Rózanska, A.; Zielinska-Szczepkowska, J. National Land Use Policy against the Misuse of the Agricultural Land—Causes and Effects. Evidence from Poland. *Sustainability* **2019**, *11*, 6403. [CrossRef]
53. McFarlane, B.; Hopkins, N.; Nield, S. *Land Law: Text, Cases and Materials*; Oxford University Press: Oxford, UK, 2021.
54. McAuslan, P. *Bringing the Law Back in: Essays in Land, Law and Development*; Routledge: London, UK, 2019.

Disclaimer/Publisher's Note: The statements, opinions and data contained in all publications are solely those of the individual author(s) and contributor(s) and not of MDPI and/or the editor(s). MDPI and/or the editor(s) disclaim responsibility for any injury to people or property resulting from any ideas, methods, instructions or products referred to in the content.