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- [16] . : [J]. ,2011 (01):83-92.
- [17] . " " " "—— [J]. , 2012 (02):159-175.
- [18] . [J]. ,2017 (06):183-192.
- [19] . [J]. ,2016,38 (06):175-190.
- [20] . [J]. ,2021,35 (12):11-18.
- [21] . (2017 - 2018 ) [J]. ,2020,28 (01):5-45.
- [22] . [J]. ( ) ,2023,23 (01):86-92.
- [23] . —— [J]. ( ) ,2023,23 (01):67-76.
- [24] . [J]. ( ) ,2023,23 (02):7-15.
- [25] . [J]. ,2021 (07):57-69.
- [26] . —— [J]. ,2023 (02): 142-152.
- [27] . [J]. ,2023,35 (02):482-500.
- [28] . : [J]. ( ) ,2021,39 (04):35-48.
- [29] . [J]. ,2022 (06):282-302.
- [30] . [J]. ,2021,37 (10):10-16.
- [31] . [J]. ( ) ,2023,41 (02):190-201.
- [32] . [J]. , 2023,37 (04):11-22.
- [33] . " " [J]. ,2022,36 (02):89-99.
- [34] . —— " " [J]. ,2022 (03):177-191.

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In order to solve the difficulties in the classification of evidence types and the application of rules for the use of evidence in land disputes, this paper analyzes the judicial adjudication documents of land disputes by using the case-like analysis method, and finds that in the aspect of evidence types, the classification of land evidence by the mode of "witness, material evidence and documentary evidence" is easy to lead to passive identification, and the mode of "material-evidence-basis for deciding a case" tends to be replaced by administrative organs, so the dual structure of "evidence data-evidence method" should be used cautiously. As for the rules of evidence application, the civil evidence preservation system can not be fully adapted to the settlement of land disputes, and the object scope of land evidence is excluded under the conventional evidence collection system, so it is urgent to release the application potential of electronic evidence in land disputes. The research holds that the use of evidence in land disputes needs to balance the burden of proof based on the classification of land evidence on the one hand, and build a buffer zone of "protest-revocation-compensation" based on the identification of land evidence on the other hand. At the same time it is also necessary to break down the barriers of departmental law, reasonably explain the norms of land evidence and promote the non-litigation of land arbitration evidence on the basis of land law provisions.

land disputes; land law; type of evidence; rules for the use of evidence; case analysis

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