

Original Paper

Thoughts on the Participation of Grassroots People's Courts in Grassroots Social Governance

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Abstract

Grassroots social governance, as the foundation and cornerstone of national governance, is concerned with the most direct, realistic, and urgent problems that the people want to resolve. However, there are some problems in the grassroots People's Court's participation in grassroots social governance, such as insufficient team capacity, imperfect working mechanisms, inadequate judicial confirmation, and poor role of the court. To solve those issues, solutions are proposed in the paper.

Keywords

people's court, participation in grass-roots, social governance

Grassroots people's courts are important participants in grassroots social governance and contribute greatly to the judicial power in grassroots social governance. In recent years, grassroots courts, based on their judicial functions, actively serve the public and participate in grassroots social governance, accumulating abundant experience and achieving great results.

1. Existing Problems in the Participation of Grassroots People's Courts in Grassroots Social Governance

Compared with China's new requirements, goals, and directions in the new era, the People's Courts haven't made in-depth and wider efforts in promoting innovation in social governance and effectively participate in social governance, which is manifested in the following aspects:

1.1 Insufficient Team Capacity Building

First of all, compared with the initiative, and results-oriented nature of the executive power, in the judicial trial, the People's Court emphasizes the principles of no appeal, no judgment in the middle, and procedural justice. In practice, some people may lose the chance of winning because of their low legal literacy or weak awareness of the evidence. At this time, if the judge decides against the public directly,

they may distrust the law and judges, which results in the unsettlement of the cases and will bring unstable factors to society.

Secondly, due to the lack of a fair understanding, most judges lack the enthusiasm to participate in social governance, as they only pay attention to handling cases, and think that participation in social governance is not part of their work, and will increase the burden of work. Therefore, some judges can not correctly understand the path and method of court participation in social governance or even do not know where to start.

Thirdly, in recent years, the workload, work pressure, and work difficulty of the courts have been increasing, and in addition to the trial and execution, they also have to shoulder some comprehensive affairs, so the work of front-line backbone young judges is saturated.

1.2 Imperfect Working Mechanism

Firstly, the grassroots courts lack the mechanism to conduct cooperation and provide support, as well as the standardized operation of the multi-resolution mechanism of disputes. At present, due to the lack of multi-linkage of judicial services and social governance, there is no perfect multi-party dispute resolution mechanism in the county and adjacent regions.

Secondly, the docking mode of litigation and mediation is far from systematic. Diversified mechanisms for alternative dispute resolution do provide more options to the public, but because of the lack of an effective docking system of litigation and mediation within the courts, the courts need to invest a lot of judicial resources in the extension of the functions of diverting disputes, and the process of non-convergence of litigation. This leads to scattered and independent operations of various departments, which means the court lacks mechanisms and personnel to link up and coordinate various mediation and litigation, and thus fails to effectively play the role of docking litigation and mediation.

Thirdly, the network mediation terminal is temporarily absent in the people's mediation. Nowadays, modern network information technology such as big data is widely used, and the Supreme People's Court has launched an online mediation platform for the People's Court at all levels, which can greatly facilitate the parties.

1.3 Insufficient Judicial Confirmation

As the court has not paid enough attention to the judicial confirmation work and has not established an efficient and convenient convergence mechanism for the judicial confirmation work, some mediation agencies are not clear that the mediation agreement reached under their auspices can allow the parties to apply for judicial confirmation.

1.4 Poor Functioning of the Courts

Owing to insufficient staffing, no resident judges are dispatched by the courts, which leads to no direct acceptance and trial of cases. Therefore, the courts can not effectively play their role in the forefront, and can only meet the needs of the county courts in handling cases, which makes it harder to send resident judges to the courts temporarily. In addition, due to the small number of permanent court personnel and limited work, the cooperation has not been properly conducted with grassroots people's

mediation organizations, police stations, and judicial offices, so the grassroots courts fail to play the guiding role of mediation, not to mention the single way of legal publicity.

2. Countermeasures and Suggestions

The above problems present the challenges faced by the courts in participating in grassroots social governance and entail further thoughts on the construction of the rule of law in grassroots social governance, which can be elaborated from the following aspects.

2.1 Build a High-quality Court Team under the Guidance of the “Year of Capacity Building”

Xi Jinping’s socialist thoughts with Chinese characteristics in the new era and the guidance of the 20th National Congress of the Communist Party of China prompts the courts to update their concepts, constantly educate court policemen, and make them deeply realize that justice is an important part of the social governance system. The judicial personnel should not only adjudicate the criminal offenses and disputes that have occurred but also guide and correct the behavior of various social players from the perspectives of the rule of law through the function of education and guidance, so as to promote the continuous improvement of the social governance system.

2.2 Improve the Dispute Resolution System with Diversification as the Orientation

It is important to establish the court system database, further revise and improve the system mechanism which has been written and effective in recent years, and sort it out comprehensively. It is necessary to classify all rules and regulations scientifically, establish a court system database covering multiple catalogs and categories, effectively solve the problems of lack of hierarchy and correlation between systems, lack of systems or conflicts, and unify and standardize the name, number, content and other management elements of system documents. This helps to render the management of court systems systematic, reasonable, and practical.

2.3 Enhance the Courts’ Ability to Participate in Grassroots Governance by Strengthening Safeguards

The courts can take the reform of the judicial responsibility system as an opportunity to rationally allocate posts for judges, assistant judges, clerks, and judicial police according to the situation of the jurisdiction, and establish a system of training recruits in courts and regular rotation of posts for judges to solve the problem of weak staffing in courts. It is important to strengthen the guarantee of grassroots building, improve court offices, science and technology courts, security inspection and other infrastructure equipment, and conduct regular maintenance.

3. Conclusion

Grassroots social governance, as the foundation and cornerstone of national governance, is concerned with the most direct, realistic, and urgent problems that the people want to resolve. However, there are some problems in the grassroots People’s Court’s participation in grassroots social governance, such as insufficient team capacity, imperfect working mechanisms, inadequate judicial confirmation, and poor role of the court. To solve those issues, solutions are proposed in the paper.

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