

## *Original Paper*

# Feasibility Analysis of the Integration of Guangdong Online Dispute Resolution (ODR) Mechanism and University Talent Resources

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### ***Abstract***

*In recent years, online dispute resolution mechanisms have penetrated people's lives with the development of the Internet. Online dispute resolution mechanism not only efficiently solves the disputes of various contradictions of the parties, but also greatly alleviate the pressure of the court due to the lack of judicial resources and high cost, at the same time, the online dispute resolution platform is also faced with the dilemma of the lack of high-quality mediation talents. This paper mainly analyses the feasibility of the introduction of local university human resources into the Guangzhou ODR online dispute resolution platform by the local judicial department according to the development and operation status of the ODR online dispute resolution service platform in Guangzhou, Guangdong Province, and provides a feasible reference plan to alleviate the current situation of the lack of talents in China's online dispute resolution platform.*

### ***Keywords***

*Online dispute resolution mechanism (ODR), Government and university cooperation, Online platform, University talent resources*

## **1. The History of ODR Platform Construction in Guangdong Province**

With the economic prosperity of Guangdong and the development of the Internet, people's disputes

have become increasingly diversified and complex, and the traditional dispute resolution mechanism has made it difficult to meet people's needs. On the one hand, traditional offline dispute resolution requires multiple meetings between the mediator and the parties, which will incur great time and transport costs. On the other hand, the resolution of some cases cannot rely solely on traditional offline dispute resolution. For example, cross-border disputes, which are limited and affected by complexity and geography, require more convenient and faster online methods of resolution.

The construction of the ODR platform in Guangdong Province has gone through three stages: initial exploration, rapid development and mature application. In the initial stage, e-commerce began to develop gradually from 2000 to the early 2010s. People's work, shopping and other daily needs are inseparable from the Internet, it can be said that the Internet is throughout the lives of people, and thus online transaction disputes arise. In response to the large number of online disputes, the Guangdong Provincial Government began to explore the establishment of an ODR platform, drawing on several domestic and international experiences, and piloting the use of a small-scale online dispute resolution (ODR) tool. To this end, the Guangdong government has issued a series of policy documents to encourage e-commerce platforms and legal service organizations to explore online dispute resolution mechanisms. The E-Commerce Development Plan issued by the Guangdong Provincial Department of Commerce emphasizes the importance of ODR and puts forward preliminary implementation proposals. A number of online dispute resolution programs have been implemented on a pilot basis in economically developed regions such as Guangzhou and Shenzhen. These projects mainly rely on large e-commerce platforms and legal service organizations to carry out online mediation and arbitration services, accumulating valuable practical experience for the construction and development of ODR platforms. However, at this stage, the Guangdong ODR platform could only resolve some e-commerce disputes and small compensation lawsuits, and there was still room for expanding the types of business. In the middle stage, in the middle of 2010, based on policy support, technological progress and market demand, the construction of ODR in Guangdong Province entered a rapid development stage. The scale of ODR construction in Guangdong further expanded and certain norms and standards were formed. The Guangdong Provincial Department of Justice has joined hands with several e-commerce platforms and legal service organizations to establish a network of ODR platforms covering the whole province. Among them, the Guangdong Internet Court was formally established in 2018, becoming one of the first courts in the country specializing in handling internet cases, providing strong judicial support for ODR. With the help of advanced technologies such as artificial intelligence, big data and blockchain, the intelligence level of ODR platforms in Guangdong Province has been continuously improved. For example, the Guangzhou Arbitration Commission in Guangdong Province has launched an online arbitration system based on blockchain technology, which realizes the entire arbitration process online and the non-tampering of data, greatly improving arbitration efficiency and credibility. At this stage, the Guangdong ODR platform has gradually expanded into various fields such as intellectual property, financial services, marriage and family. Its functions are constantly being improved, and it has been

able to meet the public's demand for different types of dispute resolution.

In recent years, e-commerce and the Internet have made great progress. Against this backdrop, Guangdong Province has actively promoted the standardized construction of online dispute resolution (ODR) mechanisms and has achieved remarkable results, with the Guangdong ODR platform now entering a mature application stage. The Guangdong Provincial Department of Justice has issued a series of normative documents on the construction and management of ODR platforms, clarifying the platform's operational standards and service processes and promoting its normative and standardized development. The Measures for the Administration of Online Dispute Resolution Platforms in Guangdong Province set out the conditions for access to the platforms, service standards and supervision mechanisms, providing institutional safeguards for the healthy development of ODR platforms. At the same time, its application and promotion have been greatly emphasized. ODR platforms in Guangdong Province have increased their visibility and acceptance through extensive publicity and promotional activities. Government departments, e-commerce platforms and consumers have widely recognized the advantages of ODR, making it one of the preferred tools for resolving online disputes. To better enhance its own ODR, Guangdong Province has actively participated in international ODR exchanges and cooperation, and learned from advanced international experiences. For example, it has cooperated with ODR organizations in Hong Kong and Singapore to jointly study solutions to cross-border e-commerce disputes. While promoting the international development of ODR, it also improves the function of Guangdong's ODR platform.

## **2. Guangdong Province's Online Dispute Resolution (ODR) Mechanism as an Aid to Judicial Mediation**

Guangdong ODR is an efficient platform to assist the judiciary, which aims to provide parties with efficient and convenient dispute resolution through online technological means. ODR was born with the development of the Internet and is an innovative optimization of ADR (Alternative Dispute Resolution to Traditional Court Litigation). ODR combines the principles of ADR and Internet information technology to allow parties to resolve disputes online. Guangdong ODR is a comprehensive platform that not only serves the judicial field but also involves various aspects such as market regulation, aiming to resolve all kinds of disputes efficiently and conveniently through online means. With the construction and promotion of the online dispute resolution mechanism (ODR) platform in Guangdong Province, it has become a trend for parties to choose the Guangdong ODR platform for mediation. Based on traditional dispute resolution methods, the Guangdong ODR platform brings together the strengths of the courts, mediators and other social actors to efficiently resolve disputes between the public in the form of 'Internet + Mediation'. At the same time, the construction of the ODR platform in Guangdong Province has also brought some impacts on judicial mediation, including mediation efficiency, mediation scope, technology application and credibility.

### *2.1 Enhancing Mediation Efficiency*

Under the traditional mediation mode, after the parties generate the need to resolve conflicts and seek help, they will generally communicate and discuss through multiple offline meetings. In contrast, the Guangdong ODR platform in the online mode has functions such as video conferencing, email and even communication tools, so that the parties do not need to be physically present. This greatly saves the parties' time costs and shortens the time for mediation. The Guangdong ODR platform makes the dispute resolution process more streamlined. The platform provides a one-stop dispute resolution service for the parties, and the whole process of mediation can be completed online, from the application for mediation by the parties to the agreement reached by both parties. The automated processes and intelligent services of the ODR platform reduce the complexity of manual operations, reflecting the high efficiency and convenience of online mediation.

### *2.2 Expanding the Scope of Mediation*

Traditional judicial mediation is limited by inconvenient geographical location. For example, in cross-border disputes, parties are unable to resolve disputes conveniently and quickly. The Guangdong ODR platform, however, can cover a wider area so that cross-regional and cross-border disputes can also be resolved efficiently. Secondly, due to changes in society, the types of conflicts among the people have diversified and become more complex. The scope of judicial mediation on the Guangdong ODR platform is gradually expanding, and the applicable application areas are not only limited to e-commerce disputes but also involve intellectual property rights, financial services, labor disputes, etc. The diversified services of ODR respond to the needs of various disputes in contemporary society and enrich the application scenarios of judicial mediation.

### *2.3 Enhancing Credibility*

The Guangdong ODR platform makes the mediation process open and transparent, and the parties can check the progress of mediation and related information at any time through the platform. At the same time, the parties do not need to worry about the authority of the Guangdong ODR platform. The judicial organs of Guangdong Province participate in and supervise the ODR platform, and the qualifications of mediators and arbitrators are strictly vetted, which provides a guarantee for its mediation process. The professionalism of the mediators on the platform and the legal validity of the mediation results further enhance the credibility of judicial mediation.

### *2.4 It Eases the Pressure and Burden on the Courts, Reduces Judicial Costs and Makes the Allocation of Judicial Resources More Optimal*

For the court, cases that originally required the court to accept and spend time costs and judicial resources on mediation are now partially diverted to the online dispute resolution platform, so that the court's resources can be allocated more reasonably. Through the ODR platform, after the three parties have fully exchanged views on the case if the people's diversified conflicts can be resolved by the mediator, the court does not need to accept the case, which reduces the pressure on the court to a certain extent.

### *2.5 The ODR Platform in Guangdong Province Meets the People's Demand for Diversified Dispute Resolution*

The online dispute resolution mechanism has the dispute resolution power of multiple subjects and multifaceted dispute resolution resources. Parties wishing to resolve a wide variety of disputes can choose mediators with a specific range of expertise through the platform. By choosing a mediator who solves targeted problems, the parties can resolve disputes between them more quickly and also increase the mediator's success rate, achieving a win-win situation for all three parties.

### **3. Difficulties Faced by the Guangdong ODR platform**

The operation of Guangdong's ODR platform is mainly carried out by both parties as well as mediators through the Internet, big data and artificial intelligence technologies. It is not only limited to mediation and arbitration but also includes a variety of dispute resolution methods such as negotiation and online litigation. The flexible and diverse resolution options can meet the needs of parties with different types and complexity of disputes. GDODR, as an emerging means of dispute resolution, has significant advantages in various aspects as it improves the efficiency of dispute resolution, reduces the cost of resolution, and enhances the transparency and credibility of the mediation process. However, it still needs to face the torture of reality and the obstacles of practice, including the challenges of technology and security, and the shortage of professionals. These dilemmas need to be resolved not only by constantly breaking the limitations of science and technology techniques but also by improving the legal system.

#### *3.1 Insufficient Mediation Power of the ODR Platform*

Guangdong, as an economic province of China, has a large volume and variety of dispute cases, and the phenomenon of 'too many cases, too few people' has existed for a long time on the ODR platform, with an imbalance in the allocation of judicial resources. Based on the convenience of online dispute resolution, many parties choose the Guangdong ODR platform, which has led to the accumulation of too many cases on the platform. However, compared with the People's Courts, which are well-resourced, adequately funded and saturated with talent, the Guangdong ODR platform still lacks various resources, making the problem of 'too many cases, too few people' prominent (Zhang & Shen, 2022). At present, the number of mediators and arbitrators on the platform is insufficient, and the composition of the personnel is unstable, which is still unable to meet the growing demand for online dispute resolution. Some mediators are not educated in law and judge cases purely based on social experience, resulting in poor-quality mediation outcomes. In summary, the judicial resource allocation of Guangdong's ODR platform is unbalanced, and its development requires a large number of professionals with both technical and legal backgrounds (Zhang & Shen, 2022).

#### *3.2 Some non-professional Mediators of the ODR Platform Lack Professional Training, which Affects the Quality of Mediation*

If the parties do not want to continue the online mediation and choose to go to court for prosecution or

mediation, it will lead to the interruption of online mediation and the results of previous online mediation will be in vain. Therefore, to ensure the success rate of ODR in Guangdong, the training of mediators should be strengthened to enhance their comprehensive quality and professional capacity to meet the needs of judicial mediation in the new situation. Firstly, based on insufficient subsidies, mediators are not highly motivated. Second, the mediators' mediation level and knowledge reserve are insufficient and lack professional training.

#### **4. Feasibility of Guangdong University resources to help ODR Construction**

In response to the problems of Guangdong's ODR platform described above, an analysis has been made and corresponding suggestions have been put forward. To more accurately solve many problems such as 'too many cases, too few people', the mediator configuration of the ODR platform can be improved through the introduction of university resources.

##### *4.1 Abundance of University Resources*

ODR in Guangdong requires a large number of professionals with both technical and legal backgrounds, and universities in Guangdong Province are rich in educational resources. Take the mediation committee set up by the Guangzhou Business School, a private university, and the Kowloon Court as an example, it has carried out courses and projects involving law and information technology and trained a large number of composite talents with legal knowledge and information technology capability. Such talents have professional theoretical knowledge and rich practical experience and can play a key role in the construction and operation of the ODR platform. Because college teachers have received more rigorous higher education, their ability and level have more significant advantages of professionalism. College teachers majoring in law will study issues related to jurisprudence, know more about the norms and procedures of legal dispute resolution, and be able to combine their professional knowledge of law with professional dispute mediation solutions. College teachers majoring in computer science can solve some technical problems, and at the same time, they can also be highly connected with the mediation program and adapt to the operation of the platform more quickly, filling the gap of insufficient manpower in ODR. The introduction of the rich educational resources of Guangdong universities can provide support for the human resources of the ODR platform, which can promote the enhancement of the platform's technology, and thus produce the effect of improving the quality of the platform's mediation.

Teachers in universities have professional knowledge backgrounds and have accumulated rich social experiences in the process of teaching practice and exchanges with colleagues. College teachers have industry-specific knowledge of dispute resolution and can more accurately guide parties to resolve conflicts. The inclusion of faculty in the online dispute resolution category can effectively improve the composition of mediators on the Guangdong ODR platform. Based on the convenience and freedom of the online dispute resolution mechanism, university teachers can mediate for the parties through the ODR platform when they do not have a schedule of school courses; they can also provide students with

fresh and flexible teaching cases and practical guidance in the course of their lectures.

#### *4.2 All-round Support from the Government*

At present, the implementation of government-school cooperation cannot be separated from the government's policy support. The feasibility of government-university cooperation is manifested in two aspects, namely, system and funding. Firstly, in terms of the system, the Guangdong government provides the corresponding legal basis for the legality of ODR platform operation by formulating and improving relevant policies and regulations to ensure the fairness and authority of dispute resolution. In addition, universities can play an important role in the process of formulating policies by the Guangdong government. Based on the cooperation between the government and universities, the government absorbs the unique and innovative suggestions and academic results provided by universities to ensure the scientificity and feasibility of the policies.

Secondly, in terms of input, the government has sufficient financial resources. It provides the necessary financial support and infrastructure guarantee for the ODR platform to effectively solve the problem of insufficient funding. The cooperation between the government and the university promotes the optimization of resource allocation, which can improve the efficiency of resource and fund use and control the reasonableness of expenditure. For example, the civil affairs department or relevant judicial administrative organs issue corresponding subsidies based on the performance of mediators to improve the enthusiasm of platform mediators, thus promoting the efficient operation and rapid development of the ODR platform (Feng, 2022).

Of course, the implementation of government-university cooperation has taken a substantial step forward nowadays. The Guangdong government has already signed agreements with several Guangdong universities, accumulating some experience in government-university cooperation. The two can support the development of both sides through the integration of resources, joint innovation and mutual benefit.

#### *4.3 Mode of Combining Industry, University and Research*

The combination of industry-university-research is an important mode of promoting scientific and technological innovation and industrial development. Guangdong universities have high-quality talents, advanced research equipment and technology, but insufficient funds. Guangdong ODRs have R&D platforms and funds but lack high-quality talents. Through the combination of industry-university research, Guangdong universities and Guangdong ODR platforms can share resources.

The participation of teachers and students from Guangdong universities in the Guangdong ODR platform has had the following positive impacts: Firstly, the Guangdong ODR platform can provide Guangdong universities with a large number of cases and resources, which can be used for academic research and curriculum arrangement in universities. Based on the complexity and variety of cases on the platform, teachers and students of universities can accumulate rich practical experience from it. Moreover, exposure to the real dispute resolution process on ODR can not only enhance students' practical ability but also reflect the digital teaching mode. Second, the ODR platform can provide

internship and employment opportunities for university students, for example, university law students can use their professional knowledge to apply to the platform. Thirdly, Guangdong universities collaborate with ODR on research projects, emphasizing the exchange and communication between academia and practice, and promoting the development of academic research and technological innovation.

By leveraging the scientific research strength and innovation capability of Guangdong universities, the Guangdong ODR platform can improve its technology level and service quality, forming an innovation-driven development model, which can effectively apply the research results of universities through the combination of industry-university-research and obtain practical data and application scenarios from them. Of course, Guangdong ODR lacks high-quality talent, and the supply of talent from universities can fill this resource gap. Universities can provide legal, computer and other related professionals for Guangdong ODR, which can help improve the professional level of its mediation team. Constructing a complete and effective industry-university-research combination model can form a virtuous circle and organic interaction.

## 5. Summary

To sum up, the Guangdong ODR platform relies on the connotation of Internet technology, big data and artificial intelligence to realize the modern governance of efficient and convenient online justice, but the main problem of 'too many cases, too few people' has emerged. In order to solve this problem, the cooperation between the government and the university has remarkable feasibility. The resources of universities are used to introduce Guangdong ODR to improve the level and quality of mediation cases. Of course, the operation and implementation of government-university cooperation also face real problems such as imperfect synergy mechanisms, irrational allocation of resources, brain drain, imperfect laws and policies, and so on. To solve these problems, the government and universities must make joint efforts to establish a perfect cooperation mechanism, optimize the allocation of resources, formulate effective incentive mechanisms and policy support programs, and promote the in-depth development of government-university cooperation. In the future, through the cooperation between the government and universities, the development of ODR in Guangdong should highlight its advantages and further efficiently bring into play its efficient and convenient way of online dispute resolution.

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