

Research on Multiple Settlement Strategies for Rural Disputes from the Perspective of Governing the Country According to Law

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Abstract: *Rural disputes in the new era mainly have the characteristics of diversified dispute causes, complex dispute content, collectivization of dispute subjects, and deviation of dispute resolution. This is mainly due to the lack of authority in legislation, lack of coordination in law enforcement, and lack of initiative in abiding by the law. It is necessary to build a multi-dimensional rural legislative system to guarantee and build a diversified dispute resolution model of "hard law" + "soft law"; Build an inclusive and diversified dispute resolution team, and create a new dispute resolution model of "Internet + mediation"; Establish and improve the "individual + collective" conflict and dispute mediation model, pay full attention to the legitimate rights and interests of rural residents, so as to effectively improve the level of rural dispute resolution and promote the early realization of the vision of rural governance modernization.*

Keywords: *governing the country according to law; village disputes; Resolution mechanism*

1. Introduction

A lawyer pointed out that law is the biggest and most important rule for governing the country. As an important link of rural revitalization at the social level, the settlement mechanism of rural disputes can solve all kinds of complex rural disputes from the perspective of rule of law, give full play to the role of rule of law in promoting rural construction more efficiently, and bring long-term stable theoretical and institutional guarantees for comprehensively promoting rural revitalization. Improving the level of rural governance is not only the general requirement of the rural revitalization strategy, but also the main content of the renewal of the rural governance system and the direction of the modernization of rural governance capacity. It is necessary to accelerate the construction of a diversified dispute resolution mechanism for rural disputes, improve the conflict resolution mechanism of prevention, pluralism and mediation of rural disputes, and provide a harmonious and stable internal driving force for rural revitalization.

2. The changing trend of rural disputes in the new era

2.1. Diversified causes of disputes

With the advancement of urbanization, new rural construction and rural modernization, rural affairs are expanding, various conflicts of interest among villagers are accelerating, and the distribution and relationship of interests among villagers are gradually complicated, leading to the diversification of rural disputes. Compared with the traditional disputes, which are usually simple causes such as neighborhood conflicts and family conflicts, the rural contradictions and disputes in the new era mainly involve land contract disputes, rural loan contract disputes, property and administrative disputes between villagers and village committees, governments and enterprises and institutions, reflecting the increasingly diversified characteristics of the causes of contradictions and disputes.^[1]

2.2. Complicated dispute content

The market-oriented reform of rural development, the change of rural modern governance model

and the improvement of rural style construction have made the content of rural disputes change from simple to increasingly complex. On the one hand, with the implementation of the rural revitalization strategy, some villages are affected by the financial allocation and project introduction, resulting in disputes over the distribution of property interests represented by demolition compensation and land occupation compensation, which makes the rural property ecology increasingly complex and intensifies the conflicts of interests among the villagers; On the other hand, because of the mandatory nature of these policies, the compensation involves relatively broad interest groups, which also increases the difficulty of resolving conflicts and disputes. At the same time, due to the imperfect rural systems, the serious shortage of judicial resources in China, the relatively low level of rural judicial environment, and the high cost of litigation for villagers, the contradiction is "incurable for a long time", which leads to the complexity of simple problems.

2.3. Collective dispute subjects

Different from the traditional rural disputes, which are mainly the contradictions between individuals and individuals, and between individuals and collectives, the rural disputes in the new era tend to be collectivized. In the process of effectively promoting the construction of a new socialist countryside, governments at all levels have actively promoted development and reform, formulated and implemented various policies that benefit farmers and farmers. These policies have also posed new challenges to rural governance in the process of benefiting farmers, reflecting the characteristics of collectivization. Not only that, the implementation of some preferential policies, the allocation and use of resources such as fiscal and taxation have also led to many disputes and hot issues. In addition, the resolution of grass-roots contradictions often needs grass-roots cadres to solve as a link. Some grass-roots cadres have weak legal concepts, weak quality awareness, lack of attention to work principles and methods, and serious corruption and other factors will cause policy implementation deviation, which will make the benefits of the relevant preferential policies of the villagers not be fulfilled, causing more group conflicts.

2.4. Deviation of dispute resolution

Due to the fact that the current preferential policy for farmers is difficult to correct the weak legal awareness of the majority of farmers in a short period of time, which leads to the non-standard characteristics of rural contradictions in the process of settlement, resulting in more or less deviation in the effect of dispute resolution. The specific reasons for this result can be summarized into the following two aspects: first, a few people, in order to pursue the realization of their personal goals, deliberately expand the contradiction, and demagogue a large number of people who do not know the truth to create a "chain reaction", making individual contradictions rise to group contradictions; Second, with the impact of the development of market economy on traditional rural concepts and the relatively backward legal, economic and cultural construction in rural areas, many villagers lack quality, do not follow laws and policies, and even ignore village rules and regulations in the process of dispute resolution, which makes the disputes that are easy to solve stagnate, which is also one of the reasons for the aggravation of rural disputes.

3. Analysis of the "rule of law" dilemma and causes of rural dispute resolution mechanism in the new era

3.1. The "rule of law" in rural areas is weakened: legislation lacks authority

Since the reform and opening up, after decades of rich development, China's "three rural" legal system has initially formed a legal framework and foundation for promoting agricultural and rural modernization and deepening rural revitalization. However, in general, rural governance has not fully played the authoritative role of "rule of law" in the legislative process of the construction of the rule of law in China's rural areas. These legislation with strong regional and agricultural and rural characteristics still lacks systematic, systematic and coherent features, and it is difficult to deal with the actual problems in the process of rural construction. In addition, the construction environment of the rule of law in the vast rural areas of China is affected by objective factors such as the level of productivity and economic development, and the development conditions are not sufficient. In addition, the current laws and regulations in China are changing slowly, the scale is relatively macro, the provisions are relatively general, and the legislative purpose is policy-oriented, which makes the

positive role of the rule of law in rural areas difficult to play. Especially in the process of resolving rural disputes, the lack of management and supervision mechanism and the phenomenon of shifting responsibility between the handling departments have occurred from time to time, which further weakened the authority of rural rule of law.

3.2. The "rule of law" in rural areas is fictitious: law enforcement lacks flexibility

First, the mediation mechanism tends to weaken significantly in the process of dispute resolution. When conflicts arise, the villagers will have a strong aversion to litigation, and most of them will resolve conflicts based on neighborhood relations, blood relations, clan relations and other human feelings. Although this contradiction resolution mechanism can effectively resolve contradictions and promote rural harmony, it can also reduce the negative impact on rural collective interpersonal relations. However, this way of resolving contradictions is very easy to fall into the dilemma of "failure to comply with the law, and the dilemma of feeling and law". Due to the lack of professional knowledge, weak legal awareness and insufficient legal education of rural grassroots cadres, rural grassroots cadres often take moral standards and village rules and regulations as the basis in resolving conflicts and disputes, resulting in confusion in the process of resolving rural disputes and other problems, without forming a real concept of "rule of law" infiltration.

Secondly, rural disputes have obvious non-standard characteristics in the process of settlement. First, among the rural contradictions, the contradictions between "acquaintances" or "half acquaintances" account for a large proportion, and villagers usually do not want to destroy the long-maintained "harmonious" relationship in the process of solving problems; Second, many rural contradictions are resolved according to the traditional habits of rural residents, and "customary law" still plays a great role in the process of resolving villagers' contradictions; Third, in the new era, China's rural conflict resolution system is not perfect enough, and part of the mediation system is already dead in name; Fourth, how to improve the rural conflict resolution mechanism and other basic issues has not reached consensus in the domestic theoretical circle, which undoubtedly hinders the further optimization of the rural conflict and dispute system.

3.3. Marginalization of rural "rule of law": law-abiding lacks initiative

Due to the relative lack of legal resources in rural areas, the lack of farmers' legal concepts, weak legal knowledge, and the lack of relevant legal aid institutions and legal professionals are all the reasons for the lack of initiative in law-abiding and leading to the marginalization of "rule of law".

On the one hand, it is reflected in the villagers' psychological avoidance of litigation means. When villagers choose the way of conflict resolution, the cost of conflict resolution is usually one of the factors that should be considered by villagers first. Villagers often pay more attention to the cost of conflict resolution. However, because of its high economic cost and time cost, as well as the villagers' traditional concept of "interest litigation" and "losing face in litigation", the villagers can avoid the means of litigation independently. In addition, the court resolved the conflict by way of trial, and the result of the trial would certainly damage the interests of one party, which also indirectly stimulated the party with the interests to use non-legal and informal methods to safeguard their own interests.

On the other hand, there are defects in the villagers' rights autonomy relief system. Although the current laws and regulations clearly stipulate that the villagers' meeting will be the basic means of rural conflicts and disputes, it is required to play the role of the villagers' meeting to resolve conflicts and disputes. However, in the process of implementation, the parties to the conflicts and disputes may also arise from the participants of the villagers' grass-roots meeting, which makes it difficult to uphold the principle of fairness in the process of handling the internal contradictions, and thus has an impact on the effectiveness of the dispute. Even though the implementation of most principles can ensure the interests of the majority of individuals, there is also the problem that the majority of people will harm the interests of the minority in order to seek the collective interests, which will undermine the fairness of the internal governance system.

4. The feasible "rule of law" path to build a diversified settlement mechanism for rural disputes

4.1. Improve the authority of rural legislation: improve the rural legal system of socialism with Chinese characteristics

In the face of the dilemma that the "rule of law" at the legislative level is weakened when the rural governance system is improved and the rural disputes are resolved, the fundamental task is to enhance the adaptability and integration of the rural rule of law, solve the coordination and connection between the "rule of law" and "autonomy" and "rule of virtue", focus on complementing the weaknesses of the rural rule of law in the process of comprehensive rule of law, and constantly improve the deterrent effect of laws and regulations, with a view to effectively protecting the interests of villagers, maintaining market order Eliminate rural social contradictions, etc. [2] We should build a legal guarantee covering the settlement of rural disputes in multiple social dimensions, focusing on the expectation and supervision of the "rule of law" settlement of conflicts and disputes in rural areas. Based on the transformation of rural governance boundary and spatial change caused by multiple factors such as rural land value promotion, land policy adjustment, population change, etc., we should resolve disputes over land issues in rural areas by means of legalization, and make good use of the legal system of "separation of three rights" and adjustment of the radius of governance, so that "property rights" and "governance rights" are equal, Then we can better play the social function of property rights in the process of resolving rural disputes. On the other hand, the feasibility and outline of the law should be fully considered in rural legislation, the refinement of the content of legislation should be considered, and the feasibility should be considered in the effect of legislation. At the same time, we should also pay attention to the democratic and scientific nature of legislation, establish a corresponding supporting system for resolving rural disputes, and try to promote the resolution of rural disputes with high-quality legislation "with laws to follow".

4.2. Promote the coordination of rural law enforcement: improve the legal capacity of rural dispute resolution subjects

First, build an all-inclusive dispute resolution team. First, we should speed up the construction of a professional team for resolving rural disputes, encourage the establishment of industrial, institutional and regional mediation committees, build a consultation pool of villagers' mediation experts and a mass think tank to provide mediation opinions, and improve the special level of resolving conflicts and disputes; Second, make full use of the collective power, create "legal knowers" in the village collective, actively invite the old party members, village cadres, villagers and college students, village officials and other people with high prestige and relatively high cultural literacy in the village collective to learn relevant legal knowledge, to guide the masses to find a way in case of trouble, and strive to resolve the contradictions and disputes among the masses; Finally, appropriately organize lawyers, legal service workers and law students to go to the countryside to popularize law, integrate the advantages of resources, and form a working mechanism for resolving conflicts and disputes to enhance the level and ability of conflict resolution.

Second, create a new dispute resolution model of "Internet plus+mediation". The improvement of rural social governance structure and system, as well as the resolution of rural disputes, must integrate the new resource of the Internet, give play to the new advantages of "Internet plus", and create a new dispute resolution model of "Internet plus+mediation". First, we need to improve the Internet mediation platform, enhance the level of remote dispute resolution, build the pre-judgment of online case disputes, achieve the remote docking of appeals and online conflict resolution, and let the information run more and the people run less; Second, we should give full play to the advantages of Internet platforms such as We-Media and short video, such as fast transmission speed, wide coverage and high popularity of the masses, to spread legal ideas and establish legal concepts in a way that the masses like to help reduce the generation and expansion of conflicts and disputes.

4.3. Strengthening the initiative of law-abiding in rural areas: improving the construction of rural legal culture

In the face of the marginalization of law-abiding "rule of law" in the process of rural dispute resolution, only by optimizing the cultural environment of rural rule of law can we fully mobilize the function and role of rural dispute resolution in the grass-roots governance system. In addition, in the face of the intersection of the legal system and human consciousness, the blending of modern concepts

and traditional culture, the realization of "good law and good governance" is a subtle discipline process, which needs to re-establish the sense of order and rule in rural areas.^[3]

First, establish and improve the "individual+collective" dispute mediation model. We will establish a sound model for dealing with conflicts and disputes at all levels. We should rely on the binding force, appeal and influence of morality, emotion and public opinion to settle disputes; It is also necessary to establish a hierarchical handling mechanism for conflicts and disputes, and classify the disputes according to the nature of the disputes, the number of disputes, and the amount of the subject matter. For example, the case with small contradiction and small amount of subject matter shall be settled by the mediator, "legal person" or village collective mediation committee; Disputes with large contradictions, involving a wide range of subjects, a large amount of subject matter and great difficulties in settlement shall be directly handled by the relevant departments of counties and townships and the judicial department or guided by the village; We should streamline the trial and mediation procedures and make timely response and reply to the contradictions and disputes that affect the construction of rural order. At the same time, we will speed up the construction of the complaint handling mechanism, introduce the complaint handling system, and encourage the masses to timely petition and solve the contradictions that are difficult to solve.

Second, pay full attention to the legitimate rights and interests of rural residents. In the process of dispute resolution, we should widely accept the suggestions and ideas of farmers, broaden the legal participation path and channels for the expression of rural residents' interests, and enhance the villagers' sense of identity with "handling affairs according to law". On the one hand, we can try to create "township council", "villagers' council" and other organizations, and establish a stable pattern of rural dispute resolution in the new era based on villagers' autonomous organizations and grass-roots party organizations in a certain area. Only by enhancing the sense of mission and participation of rural residents and enhancing the frequency of consultation and dialogue among organizations in the region can we effectively meet the legitimate interests of the masses, resolve conflicts and disputes, and promote the benign development of rural disputes in the process of settlement.

5. Conclusions

At present, the dispute resolution mechanism of contradictions affects the resolution effect of new rural contradictions. We must build a new conflict and dispute resolution mechanism, introduce professional conflict and dispute resolution talents, improve the effectiveness of rural conflict resolution, and help realize the goal of rule of law in China.

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