

# The Current Status of People's Mediation System in Ethnic Minority Areas—Taking the City B of Province A as an Example

Xizhen Chen<sup>1,\*</sup>

<sup>1</sup>School of Law, Minjiang University; Fuzhou, Fujian 35000, China

\*Corresponding author. Email: chen870828@126.com

## ABSTRACT

The people's mediation system plays an important role in dispute resolution in minority areas. From the investigation of the present situation of people's mediation in the city B of province A in minority areas, the overall comprehensive ability of mediators is not good enough, and the lack of experts is the main problem at present. In order to meet the needs of mediation of disputes in ethnic minority areas under the new situation, the professional transformation of people's mediation system is an inevitable trend.

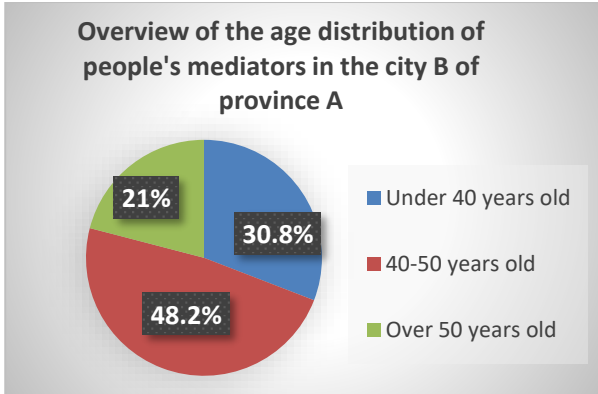
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## 1. PEOPLE'S MEDIATION OPERATION SITUATION IS INVESTIGATED AND RELEVANT PROBLEMS ARE PUT FORWARD IN THE CITY B OF PROVINCE A

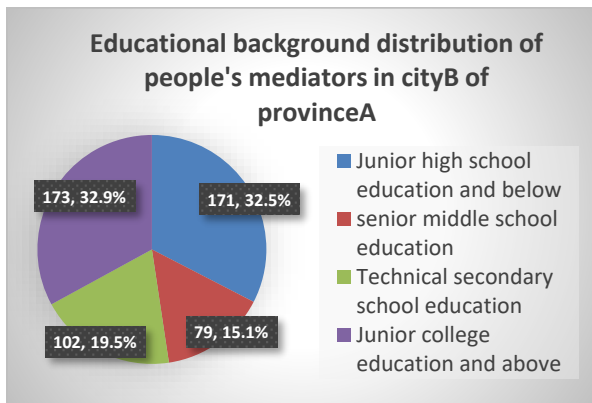
The mountainous area of ethnic minority region in the city B of province A covers an area of 7113 square kilometers, accounting for 19.9% of the province's land area. The urban area is 1129 square kilometers, which has seven townships under its jurisdiction. By the end of 2019, the city's population was about 210,000, and the Han population was 68,586, accounting for 32.66% of the total population. The minority population is 141,414, accounting for 67.34% of the total population, among the minority population, the population of Li ethnic group is 126,042, accounting for 60.02% of the total population; the population of Hmong is 11,382, accounting for 5.42% of the total population. At present, the city B has established 85 people's mediation committees according to law, including 73 villager's (or resident's) mediation committees; 7 township mediation committees; 5 undertaking mediation committees. Generally speaking, the institutional settings of people's mediation in the city B are relatively normative. In view of the characteristics of the People's Mediation Law, which provides comparative principles for the establishment of mediation organizations, and combined with the actual situation of the city B, the city B proposes to set up people's mediation organizations by seeking truth from facts, adapting measures to local conditions, scientific planning and rational layout. It has achieved "where there is a crowd, there is a mediation organization; Where there are disputes, there will be people's mediation ", and a "three-level mediation network "of townships, villager (or

resident) and mediation groups has been constructed, forming a network system of people's mediation organizations with " focus on township mediation committees ", supported by villager's (or resident's) mediation committees and undertaking mediation committees, and based on mediation groups. From 2019 to now, mediation organizations at all levels in the city B have carried out 1,358 investigations of contradictions and disputes, forestalled 159 disputes, prevented 80 civil disputes from being transformed into criminal cases, prevented 3 group petition events, and mediated 998 contradictions and disputes with a mediation rate of 100%, and successfully mediated 987 cases with a successful mediation rate of 98.9%. Most of the contradictions and disputes in the city B focus on civil disputes such as damages, marriage and family disputes and neighborhood disputes. All grass-roots mediation organizations give full play to the role of mediators in the mediation process, and deal with hidden dangers of contradictions and disputes in a timely manner, thus ensuring social stability.

A total of 525 people's mediators were employed in the city B, of which 421 were villager's (resident's) mediators; 74 were township mediators; 30 were undertaking mediators. In terms of age, 162 people under 40 years old, accounting for 30.8%; 253 people aged 40-50 years, accounting for 48.2%; 110 people over 50 years old, accounting for 21%. From the perspective of education level, there are 171 people with junior high school education or below, accounting for 32.5%; 79 people with high school education, accounting for 15.1%; 102 people with secondary technical school education, accounting for 19.5%; 173 people with junior college degree or above, accounting for 32.9%. The above situation is shown in the following figures.



**Figure 1.** Overview of the age distribution of people's mediators in the city B of province A



**Figure 2.** Overview of the education level distribution of people's mediators in the city B of province A

In the construction of the people's mediation team in the city B, it can be seen from the above two pictures that although the education level of the people's mediators is constantly improving, the overall age is still older and the education level is still not so good. Because of the diversity and complexity of social contradictions, it is necessary for people's mediators to be equipped with relevant professional knowledge, such as law, psychology and sociology, so as to ensure the efficiency of people's mediation.

## 2. PROBLEM ANALYSIS

Although some progress has been made in the people's mediation work, there are still many difficulties in the city B of province A due to the shortage of funds, limited working space and relatively low level of talents.

### 2.1. Some cadres and masses have insufficient understanding of the important role of people's mediation work and pay insufficient attention to it

With the improvement of citizens' awareness of the rule of law, the effect of people's mediation is becoming an important carrier to test the credibility of judicial administrative organs. However, there are still some grassroots leaders who do not fully understand the importance, necessity and arduous tasks of people's mediation work under the new situation, and they pay insufficient attention to and support the people's mediation work; people from all walks of life lack recognition of the role and status of people's mediation in resolving disputes, and people's mediation is not authoritative and credible enough in the minds of the masses, especially the parties to the dispute. All in all, the pattern of "Grand Mediation" in city B of province A has not yet been formed, and the awareness of joint participation and joint management is poor. Most mediation work still relies on personnel of judicial offices and the head of the village neighborhood committee to work alone. To a certain extent, it dampens the work enthusiasm of mediators and imposes a negative impact on the people's mediation work.

### 2.2. Because of the weak work foundation, it is difficult for the people's mediation to play its effective role

First, insufficient guidance. The existing people's mediation organizations are secondary mediation organizations based on the village mediation committees and led by the township judicial offices. The township judicial offices undertake the specific guiding function of grassroots people's mediation work. However, judicial offices in towns and villages are understaffed in the city B of province A, and four judicial offices are all "one-person offices", that is, there is only one staff in each office. However, understaffed judicial offices should not only do people's mediation work, but also complete other tasks assigned by higher authorities, such as community correction, legal aid, etc. As a result, the work burden is very heavy. Second, grass-roots people's mediation organizations are relatively weakened. In the sense of forms, a network of people's mediation organizations has been established, but from the actual operation of people's mediation organizations in the city B of province A, some members of villager's mediation committees have been working outside the home for a long time, which makes mediation organizations become nominal; there are still few mediation organizations established by undertakings according to law. Therefore, the people's mediation organizations of this city are still relatively weak in general.

### ***2.3. The overall quality of the mediation team needs to be improved***

**First, the mediator's comprehensive ability is not good enough, and there are few expert talents.** View from the current situation, the mediator teams in the city B of province A have some problems, such as older age, lower education level and serious lack of laws, regulations and policies. The legal quality of considerable number of mediators is incompatible with the objective requirements of the construction of the rule of law. Most of them carry out mediation work mainly relying on past experiences and old ideas, rather than relying on laws and policies. Disputes mediating sometimes just temporarily calm things down, but they do not fundamentally and completely solve contradictions. **Second, the gender ratio of mediators is unbalanced and the overall age is too old.** For example, among the 525 people's mediators in the city B of province A, in terms of gender distribution, there are only 138 women, accounting for 24.9%, and 387 men, accounting for 75.1%; in terms of age group, there are 162 people under 40 years old, accounting for 30.8%, and 363 people over 40 years old, accounting for 69.2%. Limited by energy and physical strength, older mediators are struggling in the increasingly heavy mediation work. For example, the average age of a farm mediation committee in this city is 55.8 years old, and the oldest one is 59 years old, so it is difficult for them to cope with conflicts and disputes. **Third, some mediators don't know enough about the policies and customs of ethnic minority areas.** And some mediators don't know much about ethnic customs and policies of the Party in ethnic minority areas, such as weddings, funerals and weddings. And it is the custom that can easily lead to some civil disputes. In the process of mediation, if mediators lack the necessary understanding of these customs and habits, they may not solve contradictions and disputes in time, but will intensify contradictions and cause unnecessary misunderstandings.

### ***2.4. The lack of full-time people's mediators and many mediators are part-time contractors***

Because the city B of province A is located in mountainous areas, and its economy is relatively weak, the full-time people's mediation teams have not yet been established. The members of the mediation committees at all levels are almost part-time, the members of the township mediation committees are held by leading cadres of the local party and government and officials in judicial offices, and the village-level mediation committees are generally held by Village Committee members. These members all have different jobs at once. Therefore, the workload of the mediation committee members is heavy, especially members of the village-level mediation committees, who also work for village committees and undertake their own rural contractual operation. Their multiple identities make them overwhelmed and the mediation only remains on persuasion and fails to play its due role.[1] []

### ***2.5. The lack of funds for mediation work restricts its development under the new situation***

The restriction caused by funds has brought great difficulties to the people's mediation work in the central minority areas of the city B of province A. **First, fixed workplaces are limited and facilities and equipment are inadequate.** Affected by economic conditions, most of the offices of the villager's (or resident's) mediation committees are in the same room as the offices of the villager's (or resident's) committees. The computers, fax machines and other facilities and equipment are inadequate, and there is a lack of independent mediation rooms. These all restrict the standardization construction of the people's mediation work of the villager's (or resident's) mediation committees. **Second, the training for mediation workers is limited.** Due to the weak economic development of the city B of province A, the financial support for people's mediation work is also limited. At present, funds for people's mediation provided by the government of the city B are 60,000 yuan per year, which is not enough for the increasingly heavy work of the mediation Committee. And after deducting the subsidies for people's mediation committees and mediators, it is difficult to carry out a large number of trainings with the few funds left, which affects the mediation quality of disputes and the work enthusiasm of mediators to a certain extent.

## **3. COUNTERMEASURES AND SUGGESTIONS**

In order to adapt to the changes in the people's mediation work in the new situation, from the perspective of safeguarding the fundamental interests of the people and ensuring social and political stability, in view of the main problems existing in the current mediator teams, combined with the reality of minority areas the city B of province A, the following countermeasures and suggestions are put forward:

### ***3.1. To deepen understanding, establish and improve the working mechanism of guarantee for people's mediation***

The people's mediation work is the basic work to ensure social stability, and it is an important content to strengthen social management and innovation under the new situation. The government and judicial administrative organs should put strengthening people's mediation work and fully implementing the People's Mediation Law into the important agenda, clarify government responsibilities, and include people's mediation work guidance funds, training funds, and case handling subsidies into the financial budget arrangements at the same level. With the economic

development, the financial arrangement standards should be raised synchronously, and the people's mediation work funds will be effectively fulfilled.[2]

### ***3.2. To strengthen the foundation and improve the fundamental construction of people's mediation work in grass roots***

From the perspective of the situation in ethnic minority areas, the current people's mediation mechanism should be strengthened in ideological understanding, personnel system construction, system guarantee and supporting system.[3] First, to scientifically position the functions of township judicial offices, rationalize the management system, and strengthen the all-round construction and the guarantee of working funds. Second, to strengthen the construction of personnel for a new team in mediation work. Third, strengthen training to improve the mediation ability of people's mediators. People's mediation work is highly policy-oriented, legal and skillful. Judicial administrative organs shall organize timely and adequate training for the people's mediators in strict accordance with the requirements.

### ***3.3. To form a joint force to build a new pattern of "Grand Mediation"***

Fully integrating strength, and establishing the People's Mediation Committee at the township level with the relevant functional departments such as the Comprehensive Management Office, Judicial Office, People's Court, Police Station, Letters and Visits Office as its member units, and implement unified registration and classified management for all kinds of social contradictions and disputes. At the village level, a villager's mediation committee composed of villager group leaders, women directors, village representatives, etc. is set up to deal with all kinds of civil disputes in the village. A new mediation pattern of "relying on grassroots, multi-participation and division of responsibilities" will be established in this way. To make sure that "trivial matters can be resolved within the grid management, important matters can be resolved in the community", to better serve the residents in the jurisdiction, and to ensure the stability of the production and life of the community residents.[4]

### ***3.4. To respect and take advantage of the public order and good customs in minority areas***

Because the minority areas in the city B of province A are located in mountainous areas, the traffic is inconvenient. With the development of rural modernization, the change of rural social governance mode and the marketization of agricultural development, the content of rural disputes has

become more and more complicated.[5] However, most people are still lacking in legal awareness, and are not good at using legal means but are used to solving disputes by local village rules and regulations. These village rules and regulations involve all aspects of daily life, which are equivalent to laws in minority areas, and the villagers are willing to abide by them. In this regard, mediators should respect and make full use of village rules and regulations when dealing with local people's disputes, so that both parties to the dispute can accept them easily and take the initiative to fulfil the mediation results.

### ***3.5. To enrich mediation methods and create a good atmosphere***

Mediation organizations can be formal and informal, mediators can be full-time or part-time. And the scope of mediation has extended to different industry areas. The sources of funds include the government's purchase of public services and the mediation organizations' self-financing. As for the mediation methods, socialized grand mediation and network mediation have been formed.[5] The effective development of people's mediation work depends on the adequate understanding, recognition and support of all works of life. Therefore, it is necessary to vigorously publicize people's mediation work, so as to guide the people to actively participate in people's mediation work and create a good social atmosphere for the effective development of people's mediation work.

## **4. CONCLUSION**

Civil mediation has been playing an important role in the settlement of contradictions and disputes in the daily life of traditional rural society of ethnic minorities. People's mediation respects civil mediation habits and modernizes them; in essence, it combines etiquette and custom order with legal order. Intervening in resolving social contradictions and disputes in ethnic minority villages in the institutionalized form of people's mediation is conducive to the harmony of rural social order and the progress of the rule of law.

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