



Research on the Protection of Volunteers' Rights and Interests in China —Based on 167 Cases of Volunteer Infringement Disputes from 2011 to 2022

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Abstract. At the moment, administrative, local, and governmental guidelines make up the majority of the laws governing volunteers and their volunteer work in China. No comprehensive national laws protecting the rights and interests of volunteers have been developed. In real-world situations, there is a distinction between the trial of unclear responsibility allocation and unclear determination of the facts of the volunteer relationship when volunteers are infringed upon during the course of volunteering or infringed upon by others. In terms of the legal status of volunteer work, there are three different perspectives: “entrusted relationship,” “unpaid assistant,” and uncaused management. The author examined 167 cases of disagreements affecting the rights and interests of volunteer work and discovered that they can be broadly classified into two categories: “labor relations” and “tort disputes”, and analyzed the factors of determination in detail. The following recommendations are offered in light of the current situation, which makes it difficult to determine who bears responsibility in disputes regarding the rights and interests of volunteer services and the details of volunteer relations: A uniform volunteer management law should be introduced, the multi-dispute resolution process should be improved, and legal education should be conducted to raise the standard of volunteer services. “Conduct general education and increase public understanding of the legal system.”

Keywords: volunteers · unpaid helpers · rights protection · volunteer management law

1 Introduction

Civic virtue and cultural norms both heavily relies on volunteerism. The number of volunteers in China is growing along with the country's economy, and as of this writing, there are 230 million volunteers who have registered.

The Chinese government has also created a number of regulations for the management of volunteers, including the Measures for the Administration of Legal Aid Volunteers enacted on January 15, 2022, and the Regulations on Volunteerism implemented

on December 1, 2017. In addition to encouraging and regulating volunteerism, developing volunteerism, and cultivating and upholding socialist basic values, the goal is to safeguard the lawful rights and interests of volunteers, volunteer service organizations, and users of volunteer services.

However, at the moment, administrative, local, and governmental norms make up the majority of the laws governing volunteers and their volunteer work in China. There are no national uniform laws protecting the rights and interests of volunteers. Due to the ambiguous duty distribution and unknown circumstances surrounding the volunteer connection, instances involving the infringement of volunteers while they are volunteering or the infringement of others will be tried differently as a result.

The Volunteer Service Regulations and the Administrative Measures for Legal Aid On the one hand, volunteers establish the fundamental standards of voluntary, gratuitous, equal, honest, and lawful volunteer service. On the other hand, volunteers establish administrative departments and group norms for volunteer service. However, there is no clear regulation for “disputes over infringement in volunteer volunteer service,” which results in the fact that once the disputes involving volunteers and the rights and obligations of volunteer services will face the real punish.

Since there are more tort dispute cases involving volunteer work every year, there are instances in which courts from all over the world and at all levels have reached differing conclusions in these matters. The accompanying rights and obligations can therefore be made clearer by defining the legal requirements for volunteer work as well as the legal relationship between volunteers, volunteer groups, and the served. One of the main concerns in theoretical and practical circles, and the topic of additional discussion in this paper, is how to enhance the system for safeguarding the rights and interests of volunteers and the supporting system.

2 Volunteers and Volunteer Rights

2.1 Volunteers and Volunteerism

2.1.1 Volunteer

Volunteers are the main group of people who participate in volunteer services, and they make full use of their spare time to actively participate in volunteer activities and contribute their efforts to serve the society. The definition of a volunteer often varies from country to country and culture to culture, but generally speaking, a volunteer is someone who gives his or her time and energy to help others for the betterment of society and to provide welfare without asking for compensation [1]. For example, the American Red Cross defines a Red Cross volunteer as any person who, without pay and beyond the usual responsibilities of the job, contributes his or her time and services to help achieve the mission of the Red Cross, and who does not receive compensation from the Red Cross for services rendered through the group [2]. China’s “Regulations on Volunteerism” stipulate that “the volunteers referred to in these regulations are natural persons who volunteer their time, knowledge, skills and physical strength. Volunteer service organizations referred to in these regulations, is established in accordance with the law, to carry out volunteer services for the purpose of non-profit organizations.”

Through the use of the aforementioned ideas, it can be roughly stated that the traits of volunteers are: (1) Unconstrained: The motivation for volunteers to engage in voluntary activities is frequently based on personal moral considerations, with the aim of dedicating themselves to serving the society. Volunteers are not driven by private interests, and their actions are based on morality, conviction, conscience, compassion and sense of responsibility to engage in public service [3]. (2) Public welfare: Unlike general helper behavior and causeless management, volunteer service activities have a more distinctive public welfare color, and the service targets are often not a specific subject but the whole society or even the needy groups in the world. (3) Non-remunerative: Volunteers do not participate in volunteer activities with a view to obtaining corresponding remuneration, but based on public welfare, which is different from paid helpers' behavior and entrusted relationship.

2.1.2 Volunteerism

Volunteerism is an important component of civic morality and cultural norms [4]. Modern volunteerism originated in the early 19th century from religious charity services in Western countries, and was further standardized and improved after the Second World War [5]. Chinese volunteerism has a long history and strong cultural beliefs, which is the result of the fine tradition of the Chinese nation. The spirit of Confucianism advocates benevolence and love, emphasizing altruistic values and the responsibility and obligation of individuals to the community [6]. Is a spiritual quality that has always been present in volunteer activities. Since the introduction of modern volunteer system in 1980s, with the continuous development of China's economy and the improvement of citizens' moral quality, the number of volunteer teams in China has been increasing, and the number of registered volunteers has reached 230 million, and the number of volunteer organizations has reached 1.35 million, serving the society for a total of 5,291.4 million hours [7]. The hard work of voluntary service organizations and volunteers has played an important role in promoting the core socialist values and building a harmonious and friendly society.

2.2 The Rights and Interests of Volunteers

The rights and interests of volunteers refer to the interests that volunteers should enjoy and are protected by law. At present, there is no unified definition for the rights and interests of volunteers in China, but the author believes that the rights and interests of volunteers cannot be simply equated with rights, but contain richer connotations, such as the right to enjoy remedies in case of disputes, the right to receive recognition, etc. The characteristics are (1) Extensive: volunteers enjoy a wide range of rights and interests, dealing with the basic rights granted to all citizens by the Constitution and laws, such as the right to personal freedom, the right to honor, the right to reputation, etc. Volunteers also enjoy exclusive rights, such as the right to training, the right to subsidies, the right to free participation, the right to supervision, etc. (2) Systematic: The rights and interests of volunteers is a complete system, including but not limited to rights, obligations and remedies.

2.3 The Legal Nature of Volunteerism

From the viewpoint of legislative structure, at present, the regulations for volunteers and their volunteer services are mainly concentrated in administrative regulations, local regulations and governmental rules, and no nationwide unified regulations for the protection of volunteers' rights and interests have been formulated. At the same time, the legal nature of volunteer service and the relationship between volunteers, volunteer organizations and the served is not stipulated in the Civil Code, the Civil Procedure Law and other related laws, which leads to the real problem that once the disputes involving the rights and obligations of volunteers and volunteer service occur, there is no way to rely on them. Therefore, clarifying the legal nature of volunteer service and the legal relationship between volunteers, volunteer organizations and the served can help clarify the corresponding rights and obligations and promote the orderly and compliant development of volunteer service. The legal nature of volunteer service has been "entrusted relationship" and "unpaid helper", but some scholars advocate that volunteer service belongs to causeless management. The following author will analyze the three views of appeal.

2.3.1 Entrusted Relationship

In early scholarly works, the fiduciary connection theory is frequently used. A contract of attorney is a promise between two attorneys that one will manage the other's business, according to the contract chapter of the Civil Code. The relationship between a commission contract and the client can be either gratuitous or paid, and there are certain similarities between the two. Volunteers, public welfare voluntary groups, and the people they serve all make up the entrustment relationship when it comes to volunteer work.

2.3.2 Delegation Relationship

Volunteers who participate in the activities of volunteer organizations accept the commission of volunteer organizations; volunteer organizations provide services to the people they serve, which is also based on an unpaid commission.

The main problem of the entrusted relationship theory lies in the division of tort liability. Because the Civil Code does not make special provisions for the tort and tort by the trustee in the entrusted contract, once the tort and tort by the volunteer due to the business act occurs, the general principle of tort liability attribution will be applied to deal with it. It is very likely that the volunteer who provides the service will be fully responsible for the corresponding liability and put him/her in a disadvantageous position.

2.3.3 Causeless Management Theory

Uncaused management means that if the administrator has no statutory or contractual obligation to manage the affairs of others in order to avoid losses to the interests of others, he or she can request the beneficiary to reimburse the necessary expenses incurred for the management of the affairs; if the administrator suffers losses from the management of the affairs, he or she can request the beneficiary to give appropriate compensation. This view was mainly found in the early studies, but the problem is that the causeless

management emphasizes the characteristic of “managing the affairs of others to avoid losses to the interests of others”. This view has been gradually abandoned.

2.3.4 Unpaid Helpers Say

The unpaid helper argument is widely used in judicial practice. Within the scope of 167 statistical cases involving disputes over the rights and obligations of volunteers, almost all courts hold this view. The advantage of the unpaid helper theory is that there are clearer provisions on the tort liability compared with the entrusted contract theory, mainly reflected in the provisions of Article 4 and Article 5 of the Interpretation of the Supreme People's Court on Several Issues Concerning the Application of Law to the Trial of Personal Damage Compensation Cases for the infringement of unpaid helpers and the liability and compensation of infringing third parties. In the background of the absence of relevant legislation, the recognition of volunteer service as unpaid helper is beneficial to the protection of the interests of all parties and the promotion of dispute resolution, which has certain practical significance.

3 The Current Situation of Volunteer Rights Protection

3.1 Current Status of Legislation for the Protection of Volunteers' Rights and Interests in China

At present, there is still a large gap in the legislation for the protection of volunteers' rights and interests in China, and this problem is becoming more and more prominent in judicial practice. Actively promoting the legislation of volunteers' rights and interests can help clarify the legal obligation relationship, improve the ability to protect the rights and interests, and promote the cause of volunteer services, so it is worthy of our focus on research. The so-called volunteer rights protection legislation in this paper not only includes laws and regulations, but also includes other levels of normative documents which together constitutes the first volunteer rights protection system in China. Up to now, the legislative system of volunteer rights protection in China can be divided into the following parts.

3.1.1 Laws and Regulations

In the form of administrative regulations, government regulations and local legislation, characterized by a “hierarchical and pluralistic” system: namely, the State Council's administrative regulations “Regulations on Volunteer Service”, all provincial administrative regions' regulations on volunteer rights and interests in the form of “regulations on volunteer service”. The system of laws and regulations for the protection of volunteers' rights and interests consists of the administrative regulations of the State Council on volunteer services, the regulations on the protection of volunteers' rights and interests of all provincial administrative regions in the form of “regulations on volunteer services”, and the regulations on the protection of volunteers' rights and interests of some municipalities with legislative power. Up to now, all the provincial administrative units in China have made legislation on the protection of volunteers' rights and interests,

and some regions with conditions have also made useful exploration, so the system of laws and regulations on the protection of volunteers' rights and interests in China is becoming more and more perfect.

3.1.2 Normative Documents

Mainly the relevant documents of the Party Central Committee, ministries and commissions, the Central Committee of the Youth League and local governments. These documents tend to refine the regulations for carrying out specific volunteer activities and develop them according to the actual situation of each sector, with a strong policy guidance.

In terms of content, the content of the views related to the protection of volunteers' rights and interests in China basically converge with that of the Regulations of the State Council on Volunteer Service. The content is not very different. They all mainly stipulate the rights and obligations of volunteers, the conditions of volunteers and the relationship between volunteer service organizations, etc.

3.2 Volunteering Status of Rights Disputes

In order to further analyze the situation of disputes over the rights and interests of volunteer services in China and explore a new path for the protection of volunteers' rights and interests, this paper analyzes and summarizes the relevant rights and obligations disputes by using the big data empirical analysis system. The data, jurisprudence and relevant cases in this paper are all obtained from "China Judicial Documents Network", "Alpha Judicial Big Data Platform", "Enterprise Cha Cha" and "China Judicial Data Network". "China Judicial Data Network" platform, and the relevant data are up to January 2023. The search terms for this empirical analysis are: "civil cases, volunteers, unpaid helpers", "civil cases, volunteers, infringement", "civil cases, volunteers, labor relations". A total of 167 relevant cases was retrieved within the scope of available data statistics in this field.

The Fig. 1 Summary of the number of cases shows that the number of cases in the field of volunteerism has been increasing year by year. The total number of similar cases heard nationwide was less than 10 each year until 2016, and exceeded 20 for the first time since 2017; the number of such cases reached a peak in 2020 when a large number of volunteers went to work due to the need for epidemic prevention and control; since then the number of such cases has been decreasing year by year until the end of 2022. The number of such cases decreases year by year until the end of 2022. However, I believe that with the gradual recovery of the economy and society, there is a possibility that the number of such disputes will rise in 2023.

3.2.1 Characteristics of Volunteerism Dispute Cases in China

(A) Geographical distribution.

The Fig. 2 Geographical summary of cases shows that, in terms of geographical distribution, the cases are mainly concentrated in Beijing, Shanghai and Jiangsu Province.

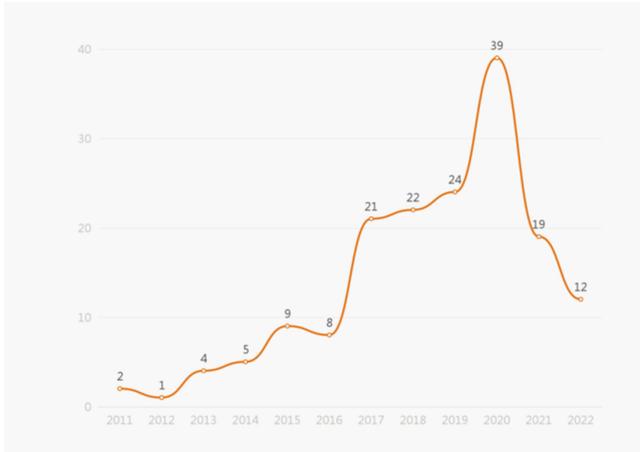


Fig. 1. Summary of the number of cases

They accounted for 10.78%, 10.78% and 7.78% respectively. Among them, Beijing has the largest number of cases with 57 cases. In terms of the time of filing, the cases filed after 2020 accounted for the vast majority of cases in the above regions, showing a correlation with the active participation of volunteers in the prevention and control of the epidemic.

It is worth noting that after analyzing the original defendants of the 167 related judgments, the author found that only 67 volunteer associations or organizations nationwide had litigation disputes, and less than 10 of them had cases substantially related to volunteer rights disputes.

Table 1 Some volunteer associations or organizations involved in lawsuit cases and the cause of action reflects that the organizational units have given priority attention to the organization and security of the activities, personal safety of the volunteers and compliance operation, which reduces the possibility of disputes at the source. However, the analysis of the overall proportion of cases also reflects that the number of activities held by non-profit voluntary service organizations is much smaller than the number

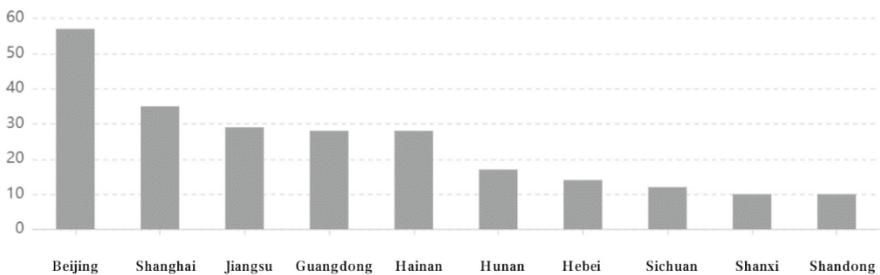


Fig. 2. Geographical summary of cases

Table 1. Some volunteer associations or organizations involved in lawsuit cases and the cause of action

Litigation participants	Identity	Nature of the case	Case number
Shanghai Pudong New Area Volunteers Association's dispute over right to life, right to health and right to body	third party	Right to life, right to health, right to body disputes	(2014) Shanghai 1 (Civil) No. 40223
Li Yan VS Shanghai Pudong New Area Volunteer Association	Defendant	The right to life, the right to health, the Body Rights Disputes	(2014) Shanghai 1 (Civil) No. 35250
Xu Yongshao VS Nenjiang County Sunshine Public Welfare Volunteer Association	Defendant	Those who provide labor services Victim Liability Dispute	(2019) Heilongjiang 1121 Civil No. 3200
Cao Jingang vs. Fusong County Railroad Love Road and Road Protection Joint Volunteer Association	Defendant	Those who provide labor services Victim Liability Dispute	(2020) Jilin 7604 Civil No. 149

of activities organized by internal voluntary service organizations of enterprises and institutions.

(B) The characteristics of the subject amount of the case.

Figure 3 Summary of case subject matter show that, according to the statistics of the subject amount of the relevant cases from Fig. 3. Summary of case subject matter, it is easy to conclude that the subject amount of the majority of cases is concentrated in less than 500,000. Through the visual analysis of the subject amount, we can see that the subject amount of the largest number of cases was below RMB 100,000 with 63 cases, RMB 100,000 to RMB 500,000 with 56 cases, RMB 1 million to RMB 5 million with 11 cases, RMB 500,000 to RMB 1 million with 10 cases, and RMB 5 million to RMB 10 million with 3 cases. This indicates that the overall amount of money involved in the cases involving volunteer all-out disputes is not large.

3.2.2 Common Situations and Controversial Points of Volunteer Service Cases.

Figure 4 Points of contention in volunteer service cases shows that, according to the dispute points of the cases, the main dispute points of the cases involving volunteer services are concentrated in the two categories of labor (labor service) relationship determination and the tort liability, accounting for 69.21% of the total. From the factual reasons and arguments presented by the plaintiff and the defendant in the courtroom, the legal norms cited by both sides are mainly in the legal provisions related to the determination of tort liability and labor relations disputes, which further supports the accuracy of data. Against

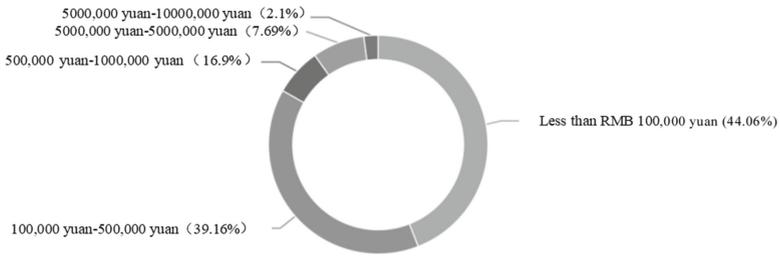


Fig. 3. Summary of case subject matter

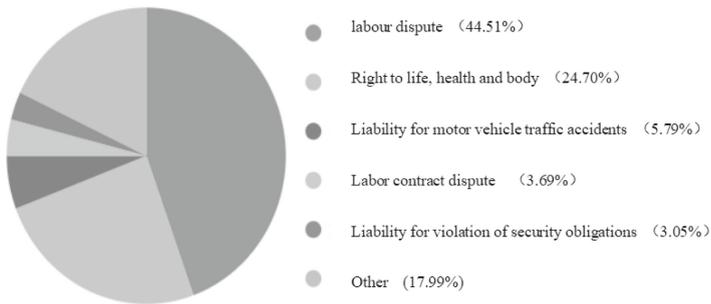


Fig. 4. Points of contention in volunteer service cases

the background of the gap in the existing legislation on volunteer service and the gap in the definition of responsibilities and the division of rights and obligations in volunteer service cases, the summary and analysis of the controversial points in volunteer service cases are worth our continuous attention and research (Table 2).

4 Analysis of Dispute Cases of Voluntary Rights and Interests Cases

The following is a summary of the common facts of the 167 judgments and decisions, part of the specific law comes from Fig. 4. Points of contention in volunteer service cases. The main points of contention in the common cases of volunteer services are divided into the following three categories and the most relevant cases are selected for analysis.

4.1 Common Models and Analysis of Labor Relations Cases

4.1.1 Analysis of the Inevitability of “GRatuitous”

Because the current legislation has not yet made a clear legal characterization of the act of volunteering, the courts often identify the act of volunteering as an unpaid helper relationship with certain similarities in their decisions. However, some volunteers receive

Table 2. Summary of the main legal norms cited by the plaintiff and the defend

		Name of the regulation	Number of entries	Citation frequency
Infringement	1	Civil Code Tort Liability / Former Tort Liability Law	Article 16	69
	2	Supreme People's Court Interpretation of Several Issues on the Application of Law in the Trial of Personal Injury Compensation Cases	Article 19	45
			Article 22	42
			Article 21	39
		Article 23	38	
Labor Relations	1	Labor Law of the People's Republic of China	Article 50	21
	2	Labor Contract Law of the People's Republic of China	Article 82	19

subsidies from the organizer in the process of service, which in turn creates a new focus of controversy.

In (2021) Beijing 0111 Civil Trial No. 9708, (2022) Beijing 0111 Civil Trial No. 1064, for example, the community committee of Gongchen Street Office recruited community volunteer Yu Mou for community epidemic prevention and control, who died in the course of performing his duties due to provocative insults from community tenants. The defendant in this case pointed out that it paid the plaintiff a volunteer allowance and therefore was not an unpaid volunteer helper. The court found that the amount and name of the allowance played an important role in determining the nature of the act. The current legislation in the field of volunteerism has not yet set a limit on this amount, and this issue still deserves continued attention.

4.1.2 Identification of Business Behavior and Volunteering Behavior

The main dispute in such cases focuses on whether the relationship between the plaintiff and the defendant is a labor (labor service) relationship or an unpaid helper relationship. In reality some enterprises and institutions packaged part of their business behavior as volunteer activities for cost saving or other purposes, blurring the boundary between volunteer behavior and labor relations.

To (2022) Beijing 0109 civil trial No. 1299, for example, in 2003 Qufeng began to Qiaodong Street Community Service Center night shift, in November 2020 was suddenly told that no need for staff on duty and was stopped the salary. The defendant side that there is no labor relationship between the Chengzi Street Office and Qu Feng the two sides has never signed a labor contract, Qu Feng to is the community service center night shift is unpaid helper behavior.

The court heard that the city street office regularly to Qu Feng pays wages, and according to the bank transaction details can be seen in the name of the city street office

to pay money for wages, the relationship between the two sides is long-term, continuous, so it was found that the legal relationship between it and Qu Feng is a labor relationship rather than unpaid help acts. It is clear from this case that the existence of labor relations requires the following three elements: whether the subject qualification is in accordance with the law; whether the worker accepts the labor management of the employer and engages in the paid labor arranged by the employer; whether the labor provided by the worker is part of the business of the employer. (2021) Beijing 0114 Civil First Instance No. 1320 and (2021) Beijing 0108 Civil First Instance No. 24813 also support this view.

4.2 Common Models and Analysis of Infringement Dispute Cases

The legal relationship between volunteers and volunteer organizations are not an employment relationship or a labor relationship, and the principle of fault imputation and the principle of fairness is usually applied in the event of damage compensation.

4.2.1 Third Parties Damage Caused by the Fault of Volunteers

The basic model of this kind of case is the situation where the volunteer participates in the volunteer service organized by the volunteer service organization and causes the loss or other damage to the person or property of the service recipient or other third person due to the fault of the volunteer. Although China's legislation has not yet clarified the relationship between volunteers and volunteer organizations, but the relationship between volunteers and volunteer organizations, but also can not be applied to the Civil Code, Article 191 of the provisions of the employment unit staff to carry out work tasks caused by other people's damage attribution method. In the current judicial practice, the relationship between volunteers and voluntary organizations is generally characterized as unpaid helper behavior, therefore, Article 4 of the Interpretation of the Supreme People's Court on Several Issues Concerning the Application of Law in Hearing Personal Damage Compensation Cases are mostly applied as the basis for adjudication in such cases.

4.2.2 Third Party Damage Caused by the Fault of the Voluntary Service Organization

The basic model of this type of case is the situation where a voluntary service organization is at fault for causing damage to a third party in the course of organizing an event. In practice, the most common situation is that a volunteer organization violates its duty of safety and security when organizing an event.

4.2.3 Volunteers Suffer Damage Due to the Fault of the Volunteer Service Organization

These cases are cases where the volunteer service organization is at fault in organizing the activities, resulting in damage to the volunteers. For example, the arrangement of volunteers to engage in volunteer services beyond their capacity leads to illness, injury or death of volunteers; failure to provide volunteers with protective equipment and training

on safety and epidemic prevention knowledge leads to volunteers being infected with the new coronavirus during the volunteer service, etc. Article 5 of the Interpretation of the Supreme People's Court on Several Issues Concerning the Application of Law to the Trial of Personal Damage Compensation Cases is mostly applied as the basis for adjudication in such cases.

In the case of (2021) Anhui 05 Civil Trial No. 335 of the Intermediate People's Court of Ma'anshan City, Anhui Province, 68-year-old Wang Mou died of cerebral hemorrhage after working on epidemic prevention and control according to the arrangement of the community. The court found that although Wang was suffering from hypertension and did not take the initiative to explain his physical condition, the community did not do the necessary review of his hypertension and other conditions plus the long duty arrangement also had fault, the community committee should bear part of the liability for the accident.

4.2.4 Because of Volunteer Organizations, Volunteer Services or Third Party Fault Volunteers Are Damaged

This kind of cases is because the volunteers in the process of participating in the volunteer service arranged by the volunteer service organization, the volunteer service organization or the object of service fault suffered personal property loss or other damage. According to the provisions of Article 5 of the Interpretation of the Supreme People's Court on Several Issues Concerning the Application of Law to the Trial of Personal Damage Compensation Cases, a helper who suffers personal damage due to the acts of a third party during the helper's activities shall have the right to request the third party to bear the responsibility of compensation, and shall also have the right to request the helper to be compensated appropriately. It is worth noting that in this provision, the helper bears supplementary liability, which requires him/her to have fault circumstances.

To (2020) Guangdong 0605 civil trial No. 9297, for example, Ding participated in the neighborhood committee to organize a voluntary activity of exclusion, Chen insulted Ding two people had a quarrel, Ding was sent to the hospital for treatment due to symptoms of shortness of breath. The court heard that Chen verbally assaulted Ding, Chen should be held liable for compensation. But Ding's own physical condition is also one of the causes so should be partially responsible for their own. The neighborhood committee was not at fault for the occurrence of Ding's illness and should not bear the corresponding supplementary liability.

5 Thinking About the Protection of Volunteers' Rights Based on Empirical Analysis

5.1 Improve the Protection System of Volunteers' Rights and Interests and Supporting Systems

By analyzing the above 167 cases related to the rights and interests of volunteers, we can easily find that most of the disputes are closely related to the gaps in the system. These legislative gaps will not only lead to judicial and law enforcement problems, but also make volunteers and service organizations face the lack of protection laws. In order to deepen the construction of socialist spiritual civilization, promote the cause of

volunteerism to take root and flourish, it is more necessary to protect the legitimate rights and interests of volunteers and volunteer organizations through the development of sound laws and regulations and supporting mechanisms for the protection of volunteers' rights and interests, to delineate the boundaries of responsibility, clarify rights and obligations, and promote the good operation of volunteerism.

5.1.1 Introduction of a Unified Volunteer Management Law

The existing volunteer service management regulations and volunteer constitution has the characteristics of relatively empty content and lack of specific practicality, which is closely related to the characteristics of the current legal system for the protection of volunteers' rights and interests. At present, the legal status of the highest volunteer rights protection regulations is only the administrative regulations of the State Council "Regulations on Volunteer Service", in order to avoid contradiction with the higher law, the nature and treatment of many disputes on rights and obligations cannot be stipulated. To promote the construction of the system to make the relevant provisions perfect, it is necessary to refine the relevant provisions, so that they are in line with the current social and economic operating conditions and the characteristics of volunteer services. In reality, China's booming volunteer service business has brought tens of thousands of volunteers and volunteer organizations, and the long-term absence of legislation will undoubtedly promote the chaos of mixed fish and dragons and thus infringe on the volunteer service business; on the legislative level, a large number of local repetitive legislation is not only a waste of resources, but will also bring negative impact on the national volunteer service management. In my opinion, it is reasonable to formulate a unified and high-ranking volunteer management law.

A comprehensive and specific volunteer service management regulations should include the rights and obligations of volunteers, the relationship between volunteers, volunteering and the served, the division of responsibilities, legal protection mechanisms, etc. Especially for the division of responsibilities and the area of volunteer rights protection, the corresponding system design should be combined with the hot and difficult issues in specific practices.

5.1.2 Improve the Multi-dispute Settlement Mechanism

In the cases involving volunteer disputes, the multi-dispute resolution mechanism should be improved. The active role of mediation, negotiation and other mechanisms should be fully utilized to reduce conflicts and unstable factors and promote harmonious social development. Through the empirical analysis, it can be seen that the characteristics of volunteer service cases are a small amount of subject matter, relatively single type of dispute, and the proportion of mediation and settlement by negotiation is relatively large. At the same time, through a perfect dispute resolution mechanism, it also helps to promote the enthusiasm of the voluntary service industry and related institutions. Give full play to the traditional spirit of mutual assistance of the Chinese nation and promote the socialist core values.

5.1.3 Carry Out Legal Education and Raise Awareness of the Rule of Law

To increase the promotion of the law in volunteer activities and volunteer agencies. Strengthen the legal awareness and legal knowledge of volunteers and volunteer organizations. Make volunteers and volunteer agencies good at law to protect their legal rights, good at the framework of the law to carry out volunteer activities and services.

5.2 The Implementation of Institutional Provisions to Strengthen Supervision and Management

Legislation and Enforcement Any well-designed system needs to be put into practice through strict enforcement. In the future, the protection of volunteers' rights should focus on strengthening the implementation of relevant institutional documents and strengthening supervision and management of volunteer organizations and volunteer agencies to ensure their legal and compliant operation. We should strengthen the implementation of relevant supervision and management mechanisms and use modern technology to enhance the supervision and management of volunteer organizations. The financial, financial and personnel situation should be randomly checked from time to time and a corresponding system should be formed.

At present, China's far-reaching service organizations and volunteer organizations are mixed. Only by strengthening the corresponding supervision can a good volunteer atmosphere be formed to make China's public welfare voluntary causes sustainable development. For violations of the law to increase the exposure and punishment, for the nature of the bad and social impact of the case, but also within the scope of the law to increase the punishment, so that the formation of negative typical.

5.3 Widely Absorbing Advanced Experience from Other Countries

We should learn from the advanced volunteer service management experience and legislative experience of other countries in the world. We should take in all the rivers, learn from all the people, and use them for our own benefit. To fully learn and absorb the volunteer management experience and legislative experience of other countries will help promote the better development of volunteer service in China and the full protection of volunteers' rights. While studying, absorbing and learning from the advanced experiences of other countries, we should firmly take the right political direction. We should unswerving take the basic principles of Marxism as our macro working methods for learning and learning, and Xi's thought of socialism with Chinese characteristics in the new era of rule of law as our political red line. We should calculate a set of volunteer service and volunteer protection system that meets the needs of China and stands the test of history on the basis of taking our national conditions into full consideration.

6 Conclusion

China's Volunteerism Regulations, which went into effect on December 1, 2017, and the Legal Aid Volunteer Management Measures, which went into effect on January 15, 2022. In addition to encouraging and regulating volunteer work, developing volunteer work,

and cultivating and upholding socialist basic values, it serves to safeguard the lawful rights and interests of volunteers, volunteer service organizations, and recipients of voluntary work. On the one hand, it establishes the fundamental principles of voluntary, non-remunerative, equal, honest, and legal volunteerism. On the other hand, it mandates that the administration of volunteerism, including the government, develops policies and measures to promote the development of volunteerism in accordance with the economic and social development and equitably arrange the funds necessary for volunteerism.

However, there are currently no unified national regulations for the protection of volunteers' rights and interests. Instead, regulations for volunteers and their volunteer activities in China are mostly centered on administrative, local, and governmental norms. Due to the lack of a defined law on "conflicts over infringement of rights and obligations of volunteers in volunteer service," the underlying issue is that there is no clear procedure to follow when disputes involving volunteers and rights and obligations related to volunteer service arise.

In the first section of this essay, the terms "volunteer" and "voluntary service" is defined, and the extent and character of both are strictly regulated. "Entrusted relationship," "unpaid assistance," and "uncaused management" is the three perspectives on the legal status of volunteer work in the academic setting that are organized.

In parallel, there are more and more cases in legal practice affecting the rights and interests of volunteers. The author classified the "geographical distribution," "monetary characteristics," and "adjudication findings and conflicts" of the pertinent cases after examining 167 cases of disputes regarding the rights and interests of volunteers. Cases were categorized and arranged. The cases were classified into two primary categories: "labor relations" and "tort disputes," with (1) the third party damage caused by the volunteer's fault being the most prevalent of the four frequent models of tort disputes. (2) Third-party harm brought on by the volunteer service organization's negligence. (3) Damage to a third party as a result of the volunteer service organization's negligence (4) as a result of the volunteer organization, volunteer service item, or volunteer harm caused by a third party.

The author makes corresponding recommendations for the current situation of unclear responsibility allocation in cases involving disputes over volunteer service rights and interests and unclear identification of facts of volunteer relations, including: "introduce a unified volunteer management law"; "improve the multi-dispute settlement mechanism"; "Carry out general education and raise a generation of volunteers who understand their rights".

Volunteer work helps prevent some social tensions, fosters social peace, and partially makes up for the government's failure to provide aid for the poor and social welfare. Volunteer work can also improve people's relationships with one another and help the community thrive.

Although there must be many flaws in the superficial recommendations I make in this paper regarding the protection of volunteers' rights and interests in China, I firmly believe that as socialist rule of law in China develops over time, volunteers' rights and interests will undoubtedly be regulated and promoted in a variety of ways in the future and play a significant role in the development of both socialist legal civilization and spiritual civilization.

References

1. Feng Ying, Zhang Huiqiu, and Bai Liang, *Volunteers in Foreign Countries*, China Society Press, 2008, p. 1.
2. Paul Jeyersley: *Introduction to Volunteer Education*, Hebei Education Publishing Du 1993, p. 15.
3. An Guoqi et al: *Handbook of Community Volunteer Action in China*, China Social Press, 2004, p. 4.
4. Sundeen, R.; Garcia, C.; Wang, L. , *Volunteer behavior among Asian American groups in the United States*, *Asian Am*, No. 10, 2007, pp.243-281.
5. Li Guorong, “A Trial on the Inner Underlying of Volunteers, Volunteerism, and Volunteer Spirit,” *Social Science Column*, No. 4, 2009, 54-55.
6. Xie Yaoliang, “Study on Olympic Youth Volunteer Spirit under Socialist Core Values,” *Youth Sports*, Vol. 9, No. 2022, pp. 28-29.
7. Chinese Voluntary Association: “Volunteering Statistics <http://chinavolunteer.mca.gov.cn/site/home> ,viewed on January 13, 2023.

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