



Exploration on the Development of Legal Aid Mechanism for the Elderly from the Perspective of Information Technology Impact and Active Aging

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Abstract. This paper takes the existing legal aid mechanism as the entry point, uses data on the awareness of legal aid among the elderly in a community in Shanghai, provides basic descriptions and statistics of the data, and explores the expansion path of the legal aid mechanism for the elderly by combining the theory of hierarchy of needs and the theory of welfare pluralism. The study found that the construction of the Internet + college legal clinic service platform, community empowerment and active participation of other subjects have significant effects on the construction and expansion of legal aid mechanism for the elderly, and the above measures help to complement the advantages of Internet technology and legal aid, and also help to enhance the social responsiveness of legal aid and build a comprehensive system of public legal aid services for the whole society, so as to promote the construction of legal aid for the elderly. The above measures help to enhance the social responsiveness of legal aid, build a comprehensive system of public legal aid services for the whole society, and thus promote the construction of an expanded and diversified pattern of legal aid for the elderly and active aging.

Keywords: active aging · legal aid expansion · college internet legal clinics · community empowerment

1 Introduction

Population aging is an inevitable product of social and economic development to a certain stage. Since China has entered the aging society, the overall situation of aging is more severe, showing the characteristics of large size of aging population, “old before rich”, i.e., the development of aging is ahead of economic and social development, advanced age, and fast growth rate. According to the data of China Judicial Case Network, there are 101 cases of legal disputes for the elderly among the publicly available cases, among which a total of 20 cases involve legal obligations of support, accounting for a relatively high percentage. In terms of the date of trial of cases, the number of cases involving the elderly began to increase since 2014 and reached its highest value in 2018. In addition,

according to the data of the judicial administration (legal services) case database of China Legal Services Network, there are a total of 486 cases about legal disputes of the elderly in the current case database, and the number of cases reached the highest value in 2018 in terms of the date of case trials. Nationwide, since 2018, the Ministry of Justice has been advocating the construction of the “12348 China Law Network” system and vigorously promoting the construction of the China Legal Service Network. According to relevant data, 566,000 service sites have been built nationwide, providing services for 18 million people in 2020. China Legal Services Network has a total of 2.2 billion visits, 12 million legal consultations, and more than 1.8 million online offices. Overall, it seems that the number of elderly legal dispute cases has been increasing in recent years, and the proportion of legal dispute cases in China has been increasing.

With the intensification of social aging and the increase of legal disputes, the demand for legal services of the elderly groups has become increasingly strong, but there is still an imbalance between the supply and demand of legal aid for the elderly in many aspects, and there are real dilemmas such as the mismatch between the legal aid funding and the expenditure required for cases, the mismatch between the legal aid working mechanism and the real needs of the elderly, the mismatch between the legal aid review threshold and the economic status of the elderly, and their social life, daily care, rights and interests. The social life, daily care and protection of rights and interests of the elderly are also gradually attracting attention. Influenced by certain bad culture and concept, cases of infringement on the legitimate rights and interests of the elderly often occur, and some even cause very bad effects. For example, the abuse of the elderly by caregivers, the disputes between the elderly and their families, and the economic violations suffered by the elderly, all reflect that the elderly, as a vulnerable group, may be infringed in all aspects of social life, but they are unable to achieve the normal protection of their legitimate rights and interests due to their weakened abilities, imperfect mechanisms and traditional concepts.

Currently, China is facing a major test of economic development, social transformation and accelerated aging in parallel. The impact of the epidemic on the economy and system operation of the whole society has also posed new challenges for the protection of the rights and interests of the elderly, the normal operation of the assistance mechanism, government policy making and grassroots governance. For this reason, a reasonable, orderly and humane legal aid mechanism for the elderly groups needs to be constructed as soon as possible, so that the elderly groups can courageously pursue their rights in the gradually affluent social environment and feel comfortable to take reasonable and legal means or seek active and effective legal aid institutions to defend their rights and interests when their legitimate rights and interests are infringed.

The purpose of this paper is to analyze and study the current legal aid mechanism for the elderly in Shanghai in the context of “active aging” and to narrow down the scope of the target group and refine the content of the research services.

On the one hand, the overall coherent study is decomposed into small sections of research, starting from the current situation of the elderly and the trend of active aging, and the service content, characteristics and shortcomings of the current legal aid mechanism, respectively, and dividing the respective contents according to certain criteria for a more in-depth and detailed study. On the other hand, after the completion of the

two separate studies, we will integrate and sort them out to understand more clearly the difficulties and obstacles in the implementation of the current legal aid mechanism for the elderly groups, including the policy constraints, conflicts caused by the mismatch between supply and demand, as well as the position and psychological state of the elderly groups themselves in the legal aid mechanism, which will have an impact on the construction and operation of the legal aid mechanism. It provides theoretical support for further understanding and research on how to build a reasonable and efficient legal aid mechanism for the elderly, and complements the gaps in existing research.

At the same time, it is of great research value and significance to analyze the current legal aid mechanism for the elderly groups in Shanghai, and to integrate and promote it accordingly. We hope that the results of this study will provide some reference for the construction of a legal aid mechanism for the elderly groups based on the theory of positive aging in the development of the information age, promote the cooperation and coordination effectiveness of all parties in the elderly mechanism, and improve the provision of elderly services in China.

2 Literature Review

The concept of Active Aging was first introduced at the Denver Conference of Seven Western Countries in 1997, and has gradually become a new theory to deal with population aging in the 21st century. Active aging adds a dimension of security to health and participation, emphasizing the empowerment of older people and their active participation in social life, and represents a shift from a “needs-based” to a “power-based” ideology.

Legal Empowerment refers to the process by which disadvantaged groups are protected and use the law to advance their rights and interests in society. In the ongoing exploration of this concept, legal clinics based on educational organizations have become an important form of legal empowerment program. Through the organic combination of legal empowerment and other organizational forms, it has also become an effective way to expand the legal aid mechanism for the elderly and promote the protection of their rights and interests.

It is often mentioned together with other issues managed by judicial administrative organs such as petition and mediation, but there is a lack of a perfect assistance system; at the same time, the focus of legal aid for the elderly around the world is usually limited to litigation cases, and less attention is paid to non-litigation legal aid. In Shanghai, all districts have promulgated relevant policy documents one after another, but the differences among districts are large, and the policies and regulations are one-sided and isolated from each other. Most of the scholars focus on legal aid or the protection of the rights and interests of the elderly and provide countermeasures. However, there are only a few studies in the literature that explore the legal aid mechanism from the perspective of the elderly, and there is a lack of research on what kind of legal aid the elderly need and how to carry out legal aid for the elderly.

3 Method Design and Data Selection

In this paper, a semi-structured questionnaire was distributed to the elderly and those involved in legal aid work through literature search, field research, and questionnaire interviews. Several typical communities and legal aid service centers in Shanghai were selected for the survey and questionnaires were distributed. After collecting the questionnaire data, the data were analyzed to effectively reflect the current situation of “legal aid mechanism for the elderly”. We analyze the reasons behind the current situation from the perspective of the differences between the subjects of “elderly” and “legal aid workers”, and use our professional knowledge to propose reasonable explanations based on actual situations and theoretical support, and then draw relevant conclusions.

A total of 338 valid questionnaires were collected in 2 self-administered questionnaires during the research of this paper. Among them, 210 questionnaires were collected for the “Survey on the Elderly Receiving Pro Bono Legal Aid Services”, of which 103 were from males and 107 from females, with the age range of 18 to 50 years old; 118 questionnaires were collected for the “Survey on the Opening of Public Classes in Legal Clinics”, of which 52 were from males and 68 from females, and 87.2% of the respondents were currently enrolled in undergraduate programs. The group obtained a total of 30 valid interview records, of which 28 were from the elderly group in Shanghai A community, 16 male records and 12 female records, and the age range of the interviewees was 65 to 76 years old, all of them were retired homebound elderly.

4 Empirical Results and Analysis

Through the basic statistics and analysis of the collected data, we found that after interviewing some elderly people in the target communities and compiling the data, we found that nearly 60% of the elderly people often encountered disputes in life and medical care, and more than half of the elderly people who applied for legal aid encountered the problems of worrying about high fees and not knowing how to apply, and such problems could not be effectively solved. In addition, about 93% of the elderly said they were very willing to accept public interest legal aid. In general, it seems that the legal problems faced by the elderly are closely related to their life characteristics, mainly focusing on daily life disputes, medical care issues, child support issues, retirement salary protection, and inheritance distribution and disposal. At the same time, many legal problems of the elderly originate from family life conflicts and often involve the personal privacy of the elderly. Older people are afraid to take the initiative to talk to others about their problems and seek legal services. Therefore, the awareness of elderly people to actively seek legal aid services is not high. However, the demand for legal aid services exists and has a great potential to increase. This indicates that the elderly group needs a new model of legal aid services that is flexible, convenient, and in line with the characteristics of the elderly group and their mindset (Fig. 1).

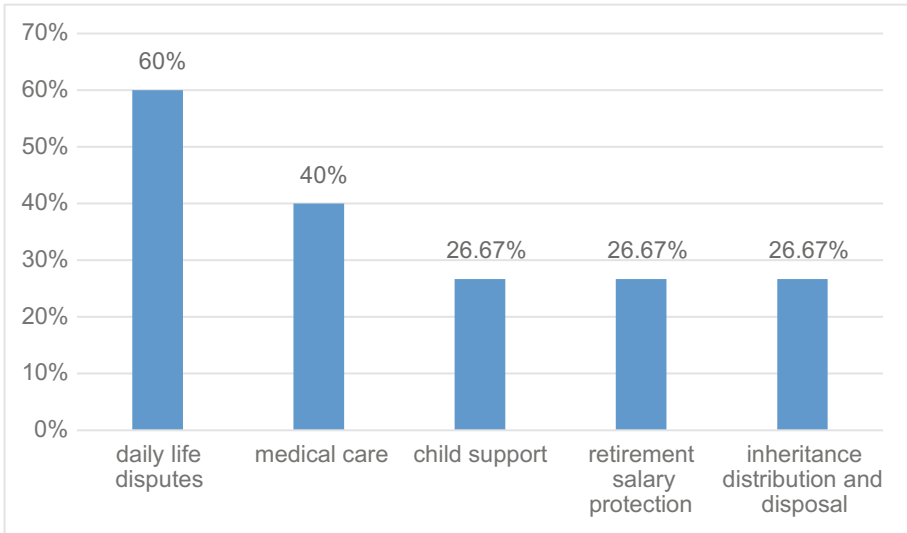


Fig. 1. Problems encountered by the elderly in their lives

In the research data, 75% of the elderly people want to seek legal services from “government-appointed staff”, and 53.57% of the elderly people are very interested in seeking “voluntary pro bono services from universities”. This indicates that it is necessary to conduct in-depth research and exploration in the government and universities to further deepen the mechanism of public interest legal aid services. Based on the large number of colleges and universities in Shanghai and the abundant legal talent resources, there is a great prospect to further expand the voluntary pro bono legal service model in colleges and universities, which is still in its initial stage. Combining the willingness of the elderly to receive pro bono legal aid and the willingness of the students themselves to provide pro bono legal aid, we believe that conducting legal clinics in the form of public courses can help expand and improve the legal aid mechanism.

Table 1 and 2 presents the basic descriptions and correlation tests of the willingness to provide legal aid to the elderly among the 18–50 year olds, and the p-indices are able to pass the 1% significance level test, and the results can be considered statistically significant. Meanwhile, in both models, the regression coefficients are positive, indicating that the willingness to provide legal aid services to the elderly is stronger and more significant among the 18–50 year olds. Through the comparative analysis of the survey data related to the willingness of young people to provide legal aid services and the willingness of older people to receive such services, we believe that the results provide positive and positive feedback for the next step of building college legal clinics and community empowerment, and can improve the feasibility and persuasiveness of the conclusions to a certain extent (Table 3).

Although the funding for legal aid in Shanghai has slightly decreased in 2016 and 2020, the overall trend is up and steadily improving. This reflects several characteristics of Shanghai’s legal aid work in recent years: 1. The funding of the Shanghai Legal Aid Center has formed a system as the financial budget of the Shanghai government

Table 1. Description Statistics

	Figures	Average (E)		Standard deviation	Variance	Partiality
	Statistics	Statistics	Standard errors	Statistics	Statistics	Statistics
1. If you (your elderly family member) were provided with pro bono legal aid services, would you (your elderly family member) be willing to accept them?	210	1.23	.029	.424	.180	1.270
2. Do you have the desire to participate in pro bono legal aid service activities?	210	1.19	.027	.394	.155	1.588
Valid N (in columns)	210					

and has a stable source of funding. 2. The funding revenue is on an increasing trend, and the Shanghai government attaches great importance to the legal aid cause and can provide corresponding financial support according to the actual work needs. According to the data of Shanghai Legal Aid Center, the legal aid workers in Shanghai are mainly grassroots legal service workers and professional lawyers. As the resources of lawyers are still relatively scarce in China, and the working mechanism of grassroots legal service workers still needs to be improved.

Meanwhile, according to the financial data of Shanghai Legal Aid Center, it can be found that most of the funds are spent on public safety expenses, 94% of which are used to recruit professional staff and send professional lawyers to provide litigation services for legal aid applicants, and there is a lack of allocation mechanism and management system for non-litigation business as well as legal consultation services and dispute handling. Although the existing resources have constructed the first line of defense for legal aid services for the grassroots society and low-income groups in China, there is still a large gap for legal issues of the elderly and other non-traditional businesses.

Table 2. Relevance

		1. If you (your elderly family member) were provided with pro bono legal aid services, would you (your elderly family member) be willing to accept them?	2. Do you have the desire to participate in pro bono legal aid service activities?
1. If you (your elderly family member) were provided with pro bono legal aid services, would you (your elderly family member) be willing to accept them?	Pearson correlation	1	.879**
	prominence (two-tailed)		.000
	Sum of squares and cross products	37.567	30.667
	covariance	.180	.147
	N	210	210
2. Do you have the desire to participate in pro bono legal aid service activities?	Pearson correlation	.879**	1
	prominence (two-tailed)	.000	
	Sum of squares and cross products	30.667	32.381
	covariance	.147	.155
	N	210	210

** . The correlation is significant at a confidence level (double test) of 0.01.

Table 3. Summary of Expenditure of Shanghai Legal Aid Center since 2015

Year	2015	2016	2017	2018	2019	2020	2021
Amount (million yuan)	981.69	950.77	980.2	1113.46	1159.94	1094.82	1194.89

5 Discussion and Outlook

5.1 College Clinic Construction

As an important course for law students to gain practical experience, Clinical Law Education provides pro bono legal services to clients by exempting them from legal consultation fees, legal writing fees and litigation representation fees, etc. It makes use of the legal expertise of law students and their teachers to serve society and improve their professional skills and education in the process of providing legal services to clients. In the process of providing legal services to clients, they improve their own professional skills and education.

However, because the “Internet + legal clinic” public service online operation mode has not yet appeared in China’s law schools, it has not been able to well integrate the “online legal aid” and “university legal clinic”. The dual advantages of “online legal aid” and “university legal clinic” are not well integrated. Therefore, under the premise of the rise of legal clinics in law schools and the development of Internet technology, the legal service model of “Internet + legal clinic” should be constructed to break through the bottleneck of the development of traditional legal clinics and fill the loopholes of existing online legal aid services.

“Expanded content” refers to the expansion of the structure to include new people to respond to end-of-pipe needs, such as legal advice and life dispute management. The “extended content” is where the organization or individual does not function as an end-user, but extends its resources and work to a specific area within a new structure. The “Internet + Legal Clinic” set up in this paper is a cross between “extended content” and “extended content”, and the core idea of the online legal clinic platform is to target areas not covered by traditional legal aid. The core idea of the online legal clinic platform is to target areas not covered by traditional legal aid, especially non-litigation areas and life disputes, with web design as the cornerstone, WeChat applet and software application (APP) as the means, WeChat public number and telephone hotline as the auxiliary, and to carry out targeted design. The core idea is to make the legal aid services go beyond the traditional limitations, create a more universal online consultation and assistance platform, and make the public legal aid services more cost effective and not limited by space.

Secondly, establish a professional database of college legal clinics. Using the legal aid information data from online and offline, each university sets up special data entry and management personnel to summarize and enter the legal aid information of our university, and then obtain multi-level legal aid information data through the processing and integration and analysis functions of the database, and finally provide legal aid information data in a targeted manner according to the needs of each group of people and each region.

Finally, accurate identification of needs is the prerequisite for effective legal clinic services in universities. Therefore, the establishment of “Internet + Legal Clinic” needs to attach great importance to demand identification. In terms of the demand identification model, the approach mainly adopts a combination of Funnel Strategy and Aggregation Strategy. The funnel model starts with a large group of people who are in need of services, and then provides a hierarchy of services according to their level of need.

5.2 Community Empowerment

Further strengthening cooperation between communities and universities is an important initiative for the expansion of legal aid mechanisms for the elderly. On the one hand, university students can get the opportunity to practice their professional skills in the process of helping the elderly in the community with legal aid, so that they can better combine their experience with academic research and obtain more realistic academic results; on the other hand, communities can make full use of university resources to provide legal aid for the elderly in need in the community in a more professional and detailed manner, further promoting community construction Professionalization and

improvement of community governance. The cooperation between communities and universities can be carried out in two aspects. First, builds a good platform for residents' participation and establishes a volunteer team with non-profit organizations (NPOs). Communities need to cooperate with NPOs with legitimacy and establish their own community NPOs with fixed scale, basic rules and regulations, and reasonable staffing by introducing the management rules and organizational forms of NPOs, so as to further give full play to the advantages that community NPOs have in providing community public services. Second, the cultural function of community governance should be brought into play. Communities need to uphold the concept of "people-oriented" and pay attention to the construction of community cultural talent. In the daily cultural construction, the community can add activities such as lectures with rewards and fun games for the whole family to enhance the legal knowledge of the elderly groups and improve their basic legal knowledge. At the same time, the community can also establish a professional community cultural talent team by recruiting and actively mobilizing professionals in the community (such as retired lawyers, college teachers, etc.) to further enhance the professionalism and fun of the organization of community cultural activities and give full play to the important role of community culture to the greatest extent possible.

5.3 Other Subjects

Non-profit Organizations

Non-profit organizations can improve the vitality of nonprofit organizations by building a rational and scientific organizational structure and decision-making mechanism, which can better reflect the voluntary, organizational, and autonomous nature of non-profit organizations and enhance the level and credibility of nonprofit organizations, so that they can have better credibility and problem-solving ability when providing legal assistance to the elderly. The non-profit organizations should also make it clear that they have the ability to provide legal assistance to the elderly. At the same time, non-profit organizations should have a clear mission and goal management in order to enhance the centripetal force of non-profit organizations. As a unique form of organization, non-profit organizations have a special mission, which requires members of non-profit organizations to believe in a common value and follow common rules of behavior in order to make full use of the centripetal force and cohesion within nonprofit organizations to achieve the mission and purpose of service and provide help to more people in need.

Local Legal Aid Agencies

There are two major shortcomings in the government-led model of underwriting legal aid services: First, the limited government finances cannot solve the serious contradiction between supply and demand between the growing need for legal aid and legal aid human resources. Second, the service quality of legal aid cases is generally lower than the quality of paid services. In terms of legal aid for the elderly, local legal aid agencies should actively introduce social organizations to participate in legal aid work. Social organizations can effectively alleviate the problem of insufficient financial budget for government legal aid. Cooperation between local legal aid agencies and university legal aid agencies can effectively integrate resources and alleviate the contradiction between

supply and demand of legal aid services. Secondly, the issuance of relevant certificates by local legal aid agencies can solve the long-standing problem of unknown identity of students participating in legal aid litigation cases by legal aid agencies of universities. The cooperation between the two forms a good situation of Win-Win Cooperation.

6 Outlook

Under the current situation that the degree of aging is developing rapidly, constantly combining the special needs of the elderly groups, building a friendly society for the elderly groups and comprehensively building a society of active aging are the inevitable requirements of national development and social progress, and also the basic deployment proposed by the Party in the new stage of historical development. In the subsequent extended research, the focus should be on integrating the development of innovative mechanisms such as building university legal clinics, strengthening cooperation and exchange between universities and communities, playing the complementary role of non-profit organizations and promoting cooperation between universities and local legal aid institutions, taking advantage of various advantages to further expand the scope of supplying and benefiting subjects of public welfare quality legal services, and trying to combine the development direction of the new era and further explore the role of market subjects in The project aims to further explore the role and status of market players in this project, further unblock the barriers between the platforms of various bodies, and provide more high-quality, convenient, efficient, caring and extensive legal services for the elderly.

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