

REFLECTION ON BUILDING A RURAL PUBLIC LEGAL SERVICE SYSTEM

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Abstract: As our country vigorously breaks the dual division and improves the level of urban and rural coordination, Rural area economy The level of economic development, awareness of farmers' rights and rule of law, and demand for rural legal services still seriously lag behind that of cities. structure To build a rural public legal service system, efforts must be made from multiple dimensions: balanced layout, system design and resource coordination. By focus on cultivating farmers' awareness of the rule of law and the endogenous motivation for the rule of law at the rural grassroots level to continuously meet the legal service needs of rural areas and farmers.

Keywords: Rural areas; Public legal services; Construction

1. THE CONNOTATION AND CONSTRUCTION SIGNIFICANCE OF THE RURAL LEGAL SERVICE SYSTEM

The Fourth Plenary Session of the 18th Central Committee of the Communist Party of China proposed that It is necessary to coordinate urban and rural and regional legal service resources, Promote coverage of urban and rural areas Construction of public legal service system for residents. Build a public legal service system to provide non-profit legal services to urban and rural residents. Profitable and convenient basic legal services are designed to strengthen the authoritative role of the law in safeguarding the rights and interests of the people. use, At the same time, we guide and support the masses to safeguard their rights in accordance with the law and rationally. [1] Rural areas have obvious rural territorial characteristics characteristic, In terms of building a public legal service system, it has significantly different functions and tasks from those of cities. should be clear Grasp the connotation, extension and implementation significance of the rural public legal service system, and identify problems existing in the construction process.

1.1 Definition and Connotation Extension

Rural public legal services are based on a certain social consensus and are led by the government and the society. Participate in the provision of services that are compatible with the level and stage of rural economic and social development. Aiming to protect farmers and rural areas A rural public enterprise that provides the basic rights and legitimate rights and interests of various organizations and realizes fairness, justice, stability and harmony in rural society. Total service. [2] Based on the author's actual understanding of rural legal services, the rural public legal service system refers to The judicial administrative department takes the lead and social forces participate, adheres to the public welfare and universal benefit, and protects the legitimate rights and interests of the people. Covering legal consultation and legal aid, people's mediation and resolution of petitions, and rule of law publicity and education, A social system that enhances farmers' awareness of the rule of law, protects farmers' legitimate rights and interests, and ensures rural social stability, fairness and justice. From the extension of the definition, the rural public legal service system should include the following points: the leaders in the construction of the rural public legal service system. As public goods and quasi-public goods, public legal services The government has an unshirkable responsibility for the development and improvement of the rural public legal service system. Therefore, the government should lead the supply. As a rural public legal service system The leading builders, township party committees, governments and judicial offices should implement their local responsibilities for the construction of a rule of law government and a rule of law society. appoint, Clarify public welfare and fairness, Scientifically allocate resources for superiors to sink according to their own actual conditions, Actively attract local Elites, rural grassroots cadres, rural authority figures and other social forces participate in the construction of the system. make rural public law. The construction of the service system has become a key starting point for the transformation of the work of township party committees and governments and the stimulation of endogenous legal momentum in rural areas.

2. SOCIAL FORCES SHOULD BE INTEGRATED INTO THE CONSTRUCTION PROCESS OF THE RURAL PUBLIC LEGAL SERVICE SYSTEM

Public legal services services as public or quasi-public goods, must be provided by the government as the leader, However, during the service provision process, It is often necessary to comprehensively consider the actual local situation, the supply capacity of the leader, and the policy design structure. Therefore, There is no fixed model for determining the boundaries between government, market, and society. Correspondingly, Social forces in rural areas There are no proportional, amplitude restrictions or relevant regulations on the composition of the force in the

construction of the public legal service system. but, In order to comply with the transformation needs of "small government, big society" and the trend of administrative system reform, Also for administrative reasons Resource investment - consideration of output performance and activating the development of social professional institutions, encouraging and guiding social forces to actively Extreme participation in the construction of the rural public legal service system has a greater positive effect. The government encourages social forces to exert their strength Participating in system construction with one's own advantages can stimulate public participation enthusiasm and social innovation vitality to the greatest extent. In the dynamic process of continuous exploration and improvement, we will shape the public legal awareness and knowledge system and promote the effective development of rural public legal services [3].

3. LEGAL CONSULTATION AND LEGAL AID, PEOPLE'S MEDIATION AND RESOLUTION OF PETITIONS, AND PUBLICITY AND EDUCATION ON THE RULE OF LAW SHOULD BECOME THE MAIN SERVICE CONTENT

Public legal services mainly cover lawyers, notarization, grassroots legal services, people's mediation, judicial Appraisal, legal aid and other services[4]. As far as rural public legal services are concerned, Lawyers, notaries, forensics Rating services are quasi-public products or services operated by professional institutions on a commercial basis and are not It is a public welfare and inclusive legal service project led by the government; In view of the rural nature, regional The construction of rural public legal service system must reflect the characteristics of rural areas and focus on Adjust its practicality and pertinence. Integrate legal consultation and legal aid, people's mediation and resolution of petitions, and publicity of the rule of law The three services of education are clearly the main service contents of the rural public legal service system and are provided by the rural legal service The market is underdeveloped and there is a large gap in the level of legal services between urban and rural areas. Farmers have weak awareness of the rule of law and acquaintance society dominates determined by factors such as dominant position, This is quite different from promoting the construction of public legal service systems in cities, especially at the grassroots level.

3.1 The Long-Term Significance of Promoting the Construction of Rural Public Legal Service System

3.1.1 Promote social fairness and justice

General Secretary Xi Jinping attended 2014 Year 1 The central political and legal affairs meeting held in The upper management of the meeting pointed out that We must pursue the promotion of social fairness and justice as our core value pursuit, Actively deepen reform, strengthen and improve political and legal work, Safeguard the vital interests of the people. Promote social fairness and justice, It is also one of the fundamental purposes of constructing the rural public legal service system. The behavior of subjects who participated in the "Ultimatum" experiment designed by economist Professor Guth in 1982 showed that "Subjects rely on their perceptions of fairness rather than maximizing interests to determine its behavior." [5] Through this experiment, it can be seen that the value scale that determines human behavior judgment is Pursue social fairness and justice. Most of the legends about "Xie Zhi" come from the Spring and Autumn Period and the Warring States Period. People in ancient times were thirsty Seek social justice, This fictional mythical beast that can tell right from wrong, Symbolizing bravery and justice, and judicial "fairness" "Light" and "Quality and Justice". "The Spirit of the Laws" written by Montesquieu expounds the theory of natural law, law and Legal definition, relationship between law and political system, and issues such as the classification of political systems, the nature and principles of various political systems. this This work not only criticized feudal autocracy and theological thought by advocating the rule of law and pursuing political freedom, but also criticized Western European capital. The ideological theory and practice of the bourgeois enlightenment movement have played a profound guiding role. Use the law to protect yourself The concepts of freedom and maintenance of social fairness and justice are deeply rooted in the hearts of the people. Promoting the construction of rural public legal service systems is not only In order to provide farmers with legal knowledge and let them know how to use legal weapons to protect their legitimate rights and interests, and more importantly, to spread the concept of advocating the rule of law and promoting social fairness and justice.

3.1.2 Maintain harmony and stability in rural areas

For a long time, Due to weak awareness of the rule of law, insufficient implementation of legal provisions, and failure to fully achieve substantive and procedural fairness in work, land transfers, house demolitions, grassroots elections, Issues such as household registration changes, social security, and environmental protection have become causes of instability in rural areas; Many farmers do not believe in the law when they petition. The "idea of honest officials" and the "consciousness of the blue sky" still exist. Many farmers use petitioning to express their demands as a weapon to safeguard their own rights and interests. Phenomenons such as troublesome visits, repeated visits, and cross-level visits emerge in endlessly. Group incidents involving farmers occur from time to time, and conflicts between cadres and the masses in rural areas are still acute to a certain extent, affecting the harmonious and stable social situation in rural areas. Farmers are dissatisfied and resentful, and rural grassroots cadres are tired of coping, I was exhausted and spent a lot of energy. It has affected the rapid development of rural areas. Arm your mind with the law. Let farmers defend their rights rationally and in accordance with the law, Use the law to clarify the boundaries of power and allow grassroots cadres to act fairly and in accordance with the law. Only by solving the problem of fair distribution of benefits at the

source, resolving conflicts and disputes that affect stability in the bud, and ensuring the harmony and stability of rural areas is one of the important significances of building a rural public legal service system.

3.1.3 Lay the legal foundation for rural reform

The "three rural" issues are restricting China's ability to build a moderately prosperous society in an all-round way. One of the main obstacles to meeting and realizing the "Two Centenary Goals". In the context of comprehensively deepening reforms, Rural reform has an important impact that affects the entire country. To promote rural reform, we must adhere to the rule of law in rural areas. The improvement of knowledge, the cultivation of legal thinking, the improvement of legal norms and the completion of the legal system are the leading conditions. structure Establish a rural public legal service system, Provide basic and public welfare legal services to farmers in rural areas, No It can only meet the urgent needs of farmers for legal aid, legal consultation, and people's mediation. And you can bring it. The growth of private legal services such as notarization, forensic appraisal, and lawyers, It lays a good legal foundation for the reform of the property rights system in rural areas, activates various agricultural production factors to allocate resources in a market-oriented manner, and greatly improves the productivity level in rural areas. It is bound to add inexhaustible impetus to the all-round development of our country's economic and social development.

3.2 Problems Existing in the Construction of the Current Rural Public Legal Service System

The construction of the rural public legal service system must be goal-oriented and strive to save resource investment to the maximum extent. investment, meet the needs of farmers to the greatest extent, and promote the rule of law to the greatest extent. Examining the current legal construction at the grassroots level in rural areas Based on the actual situation of the establishment, problems such as weak work foundation, work content that needs to be improved, and insufficient urban legal resources have become the main problems restricting the construction of the rural public legal service system.

3.2.1 Uneven distribution of legal talent resources

Judging from my country's current allocation of legal resources, legal professionals are distributed in an inverted pyramid shape, with Beijing, Shanghai and Guangzhou First-tier cities such as Shenzhen have gathered a large number of outstanding legal talents, followed by provincial capital cities, followed by small and medium-sized cities. The least within the county area, Rural areas in the central and western regions are basically blank. Taking Yuci District of Shanxi Province as an example, As Jin Zhongshi Municipal Party Committee and Municipal Government are resident, with lawyers 38 famous, grassroots legal workers 2 8 name, relative to 65 Thousands of people of permanent population, On average, there are only about 1 Legal professionals, The quantity, structure and professional level of talents There is a certain gap between peace and service awareness compared with developed areas or big cities; Moreover, legal professionals within the jurisdiction are basically concentrated in urban areas, with almost no distribution in rural areas.

3.2.2 The effectiveness of legal talent services at the grassroots level is not high

In order to solve the problem of uneven distribution of legal professionals in urban and rural areas, Guide them to flow to the grassroots and increase services to rural areas. Shanxi Province has 2015 Year 3 Launch of "One Village (Community)" every month "Legal Advisor" activity, organizing lawyers, notaries, grassroots legal workers, etc. to connect with grassroots villages and communities, Provide legal consultation, legal aid and other services to farmers, Efforts should be made to rectify the problem of "difficulty in litigating" among the masses. This policy was introduced based on the lack of legal services in rural areas. It has indeed promoted the construction of the legal service system in rural areas, but in the specific implementation process, Township legal staff and farmers do not fully recognize it. "One village (community) "Legal advisor" is essentially a quasi-public product between private legal services and public legal services. The role played by the government is the designer of policy systems and the promoter of overall implementation. The main providers of services are legal professionals such as social lawyers and grassroots legal workers. According to the author's interviews with township judicial staff and grassroots people, it was found that due to the lack of necessary material guarantees, policy incentives, performance evaluation and other detailed rules, the social lawyers and grassroots legal workers involved in this work were not able to go deep into remote villages to answer farmers' legal questions. There is no great enthusiasm for public welfare services such as providing legal aid to help farmers litigate.

3.2.3 Insufficient strength of township judicial teams

Rural areas lack legal service resources and the level of legal service supply is low. In many central and western rural areas, there are almost no other grassroots legal service institutions except township judicial offices. Strengthen the construction of township judicial offices as a structural One of the key tasks in building a rural public legal service system. However, many township judicial offices currently have There are still some problems. The first is the issue of staffing in judicial offices. Township judicial offices are responsible for legal education and publicity And functions such as legal education, people's mediation, community correction, resettlement and assistance for released persons, etc. and participating Comprehensive management of local social security and completion of tasks assigned by township party committees and governments. Township judicial offices are exhausted every day Coping with daily work tasks such as community corrections and people's mediation, there is no more energy to take into account publicity and education on the rule of law and For other "marginal" work, some staff of township judicial offices said frankly during the visit, Manpower is limited, so we can only do it first Work that is urgently urged by superiors, Others can only lean back; Second, the role of the people's mediation team is limited. Pen During the visit, the reporter discovered that Towns and villages at the grassroots level have established people's mediation organizations in accordance with the

People's Mediation Law and relevant regulations. solution committee, And correspondingly enriched the composition of the adjustment committee, But many regulatory committees only exist on paper; and Didn't play much practical role. In work practice, the mediation and resolution of conflicts and disputes take a long time, are difficult to mediate, and Subsidies are low, and many conflict and dispute cases require a lot of manpower and time to be successfully mediated through multiple mediations. If according to According to Jinzhong City's regulations on people's mediation subsidy standards, the case subsidy standards are 20 yuan, 50 yuan, and 100 yuan respectively. Yuanhe 500 Yuan, Even if each case is subsidized according to the highest standards, it will be difficult to attract grassroots people, especially For local elites and prestigious figures to participate in people's mediation work, it not only consumes time and effort, but also delays their work and life. And sometimes the lower subsidy standards cannot fully subsidize the costs incurred by mediation. People's Mediation and the Rule of Law The "shortcomings" of publicity and education make the township judicial offices unable to lead the construction of the rural public legal service system.

3.2.4 Publicity and education on the rule of law does not meet the needs of the situation

The author happened to encounter a community correction case while visiting villages and towns for research. 175 rural old Chinese, Because I am worried that my vegetable plot will be eaten by sheep, Just throw the corn mixed with pesticides into your vegetable patch. The result was Sheep raised by other villagers were accidentally eaten, resulting in the death of many sheep. After receiving the report, the local police station will proceed according to regulations The investigation was carried out, and the procuratorate filed a public prosecution in the court, and finally the old man was sentenced to a fixed term of imprisonment for the crime of releasing dangerous substances. imprisonment 3 years, probation 3 year implementation. From this case we can see that The awareness of the rule of law among farmers has also Not high enough, The phenomenon of acting according to personal subjective wishes rather than legal thinking when one's own rights and interests are infringed is based on exists. How to convey legal knowledge to farmers accurately and effectively, and in the process, the meaning of the rule of law The cultivation and improvement of knowledge and legal thinking runs through it, which has always been the focus of rural legal publicity and education. The "Da Gao" written by Zhu Yuanzhang himself during the Hongwu period of the Ming Dynasty showed his "using heavy codes to punish the country" and "heavy codes to govern". Although the idea of "people" is promoted to consolidate authoritarianism, Moreover, there are many feudal and backward people among them. ingredients, but looking at it objectively, "Da Gao", as a "legal popularization and propaganda book", played an important role in the construction of the rule of law in the early Ming Dynasty. The authority of the law must be maintained, It's not just about formulating good laws, fair administration of justice, and strict enforcement of laws; Moreover, the provisions and details of the law and the spirit of the rule of law must be implemented in place. In just a few decades, our country has experienced After many twists and turns, a socialist legal system with Chinese characteristics was finally basically established. However, in terms of publicity and education on the rule of law, there are still However, there is no set of successful legal education textbooks that can be known to the masses at the grassroots level. Legal dissemination in many towns and villages Propaganda and education on the rule of law are still at the stage of handing out leaflets and explaining policies when farmers go to market. There are no major innovations and breakthroughs in the design and arrangement of educational content. The methods, methods, channels, and The route is also relatively old. cannot adapt to the current situation of rural development, The actual effect is unsatisfactory. Publicity and education on the rule of law has a long way to go, but there are also many practical problems.

4. COUNTERMEASURES AND SUGGESTIONS

To strengthen the construction of the rural public legal service system, we must identify the crux of the problem and work hard to solve the problems that affect the overall situation. key issues in physical development, Make up for the common "shortcomings" to stimulate the enthusiasm of various localities to promote the rural public legal service system based on their own actual conditions.

4.1 Strengthen the Construction of Township Judicial Offices

As the main promoter of the rural public legal service system and the main body of rural legal service institutions, the Township Department The construction of law offices must be given top priority. On the one hand, it is necessary to reasonably determine the staffing and allocation of township judicial offices to ensure The number of personnel can be basically commensurate with the tasks and functions they undertake, At the same time, clean up the secondments, occupied staff, and "empty pay" and other issues, clarify the functional authority of township judicial offices, Ensure that dedicated personnel are responsible for specific tasks, Put all your manpower and energy into in rural public legal services; On the other hand, appropriately relax recruitment thresholds and extend service years, open election Select a certain number of people who are familiar with practical laws, regulations and relevant policies, act fairly, and have high personal prestige to enable the group to We are a contract-based judicial administrative auxiliary personnel that everyone trusts, and are oriented to engage in township people's mediation and petition resolution work, and consolidate We should consolidate and expand the basis of people's mediation, integrate fairness, justice, public order and good customs in the resolution of conflicts and disputes, so that the majority of farmers can truly enjoy the benefits brought to them by public legal services.

4.2 Guide the Flow of Legal Professionals to the Grassroots

To guide legal professionals to provide legal services in rural areas, we must face up to the rules of talent flow and adopt Practical and effective system design, Use policy incentives to create a talent pool, Attracting legal professionals to rural areas Spontaneous mobility in village areas. It is recommended to strengthen and clarify the work of lawyers, grassroots legal workers, notaries, etc. at the grassroots level in rural areas. Provide basic material guarantees for public or quasi-public legal services in the region, allowing legal professionals to go deep into the basic layer; at the same time, we discover typical examples, set examples, and vigorously promote outstanding talents who serve rural areas with professional legal knowledge. Strengthen the positive effect of media publicity and encourage more legal professionals to move to rural areas. To serve the rural basic Recruit legislative staff from lawyers and legal experts based on their years of experience, social influence, work effectiveness and other practical experience. The rigid regulations of authors, judges, and prosecutors reflect more fairness and justice in terms of policies and systems. It is recommended to adjust the relevant provisions of " three supports and one support" to include law graduates to engage in legal practice activities at the grassroots level in rural areas, forming a "four supports and one support" of "supporting agriculture, supporting education, supporting medicine, supporting the law and poverty alleviation" "Work plan, let the law Graduates of academic majors enjoy the same preferential policies. Encourage law graduates to participate in the construction of the rule of law at the grassroots level in rural areas and make their own contributions to promoting the construction of the rule of law and social harmony at the grassroots level in rural areas.

4.3 Establish Public Lawyers as Soon as Possible

The Fourth Plenary Session of the 18th Central Committee of the Communist Party of China decided that party and government organs and people's organizations at all levels should universally establish public lawyers. Participate in decision-making arguments, Provide legal advice, Promote compliance with the law, Prevent legal risks. The establishment of public lawyers in party and government agencies and people's organizations within the county can further promote the decision-making and implementation of the law by party committees and governments at all levels. Duty, act in accordance with the law, While reducing the possibility of decision-making errors at the legal level, Minimize the legal risks of the party committee and government in economic and social life. Although public lawyers are one type of practicing lawyers, But the identity remains He is a national public official, compared to a social lawyer, Be able to obey administrative instructions and carry out work in weak areas of rural public legal services to strengthen services in weak links. It provides a strong talent guarantee for the government to provide public legal services to rural grassroots. In order to fully establish public lawyers as soon as possible, we must first amend the Lawyers Law Article 11 stipulates that civil servants are not allowed to concurrently serve as practicing lawyers, clearing legal obstacles for the establishment of public lawyers; The second is to increase talent training, tap internal potential, and encourage public officials to participate in the national judicial examination and related training, so that the growth in the number of public lawyers can adapt to the needs of the situation; the third is to revitalize the resources of public lawyers, It is clarified that in addition to completing the tasks assigned by the agency, public lawyers must also accept the responsibilities of the government's legal affairs department and the Ministry of Justice and Administration. Door and other leaders, Participate in legal publicity and education, legal consultation, legal aid, people's mediation and other work for farmers, so that public lawyer resources can be used in rural public legal services.

4.4 Promote the Development of Government Purchase of Public Legal Services

The government purchase of public services, which originated in Western developed countries, was carried out in Guangdong and other provinces of my country in the early years. explore, exist 2013 The General Office of the State Council issued the "Guiding Opinions on the Government's Purchase of Services from Social Forces" (State Council Issued [2013] 96 Number) back, This innovative model in the field of social governance has begun to receive more attention. Support the construction of the rural public legal service system through the government purchasing public services model, Can stimulate social power Enthusiasm to participate in system construction. For example, in terms of publicity and education on the rule of law in rural areas, Procurement through public bidding and agreement etc., pay certain fees to civil society organizations, Support him in creating local dramas about the rule of law that are popular with farmers. Or skits and other literary and artistic programs, it is in line with the purpose of entering into rural areas and villages to achieve the purpose of publicity and education on the rule of law in the form of literary and artistic performances. It is a carrier that is in line with rural reality and input-output is relatively high. It is recommended that the government purchase public legal services Conduct special research, Incorporate public legal services into the government purchasing catalog. At the same time, implementation measures will be introduced, Buying master clearly stipulate the content such as entity, purchasing method, purchasing mechanism, fund management and performance evaluation, etc. Enable the government to purchase public legal services and become an important supplement to the government-led rural public legal service system as soon as possible.

COMPETING INTERESTS

The authors have no relevant financial or non-financial interests to disclose.

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