

Study on the Reform of Function Orientation of People's Courts from the Perspective of Litigation Source Governance: Taking G Prefecture as an Example

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Abstract: To initiate the reform of the implementation management system and mechanism below the city (state) in G Prefecture, taking into account its unique geographical, political, and cultural context, the construction of a “four-in-one” modern work system is proposed. The success of this reform in remote minority areas depends on tailoring measures to local conditions. Customizing strategies to fit the specific geographic, political, and cultural environment of G Prefecture is crucial for ensuring the practical implementation and effectiveness of the two-level court function positioning reform in these remote areas.

Keywords: Litigation source governance; Execution linkage; Source management

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1. Introduction

The “Decision of the CPC Central Committee on Comprehensively Promoting the Rule of Law in a Thousand Major Issues” unveiled during the Fourth Plenary Session of the 18th CPC Central Committee included the reform of the diversified dispute resolution mechanism into the broader modernization of the national governance system and capacity. The decision emphasized the need to enhance mechanisms for preventing and resolving social conflicts and disputes. The Fifth Plenary Session of the 19th Central Committee emphasized the need to enhance the social governance system through joint construction, co-governance, and sharing. The directive calls for building on the “bridge experience” of the new era, enhancing mediation and linkage work systems, and establishing a comprehensive social conflict management mechanism covering source prevention, investigation, dispute resolution, and emergency handling. The focus is on improving grassroots governance systems and mechanisms to modernize community-level governance capacity.

As the most remote ethnic minority autonomous prefecture in the west of Sichuan Province, because of its

special geographical location, political background, and cultural environment, the courts at the two levels of G Prefecture face unprecedented challenges and opportunities in reforming the management system. The success and effectiveness of the reform in the trial-level function orientation of these courts in remote minority areas hinge on adopting measures tailored to the local conditions and circumstances.

2. Challenges in the enforcement by state courts

2.1. The harsh natural environment and high execution costs

G Prefecture is the first ethnic autonomous prefecture established in China, with a total area of 153,000 km² and a majority of Tibetan people ^[1]. It is the second-largest Tibetan gathering area in China, with a population density of 7.2 people/km². It is the ethnic minority autonomous prefecture with the largest area and lowest population density in Sichuan Province. Its oxygen content is about 40–50% of the plain area. Its climate is dominated by the Plateau climate, with an annual average temperature ranging from 0 °C (night) to -14 °C (day). Winters have an average temperature of -9 °C (night) to -7 °C (day), and there is an average frost period lasting from 18 to 228 days annually, with no absolute frost-free period.

G Prefecture features complex terrain characterized by ravines and steep landscapes, with a considerable relative height difference of 6500 meters. The primary mode of transportation is highways. Due to the challenging terrain and climate, the region often experiences road closures, particularly on mountainous and icy routes, from November to May each year following snowfall. Moreover, the lack of communication signals in the surrounding areas poses significant challenges for law enforcement authorities in locating the parties involved in cases.

2.2. Complex social environment and resistance against law enforcement

The foundation for establishing the rule of law in G Prefecture is relatively weak, with the local population lacking awareness of legal principles. Additionally, the influence of Tibetan customary law, encompassing village rules, people's conventions, and religious practices, significantly interferes with and impacts the progression of the rule of law in the region ^[2]. Due to local customs and limited education, many farmers and herdsmen in G Prefecture tend not to approach the court immediately when disputes arise. Instead, they often seek resolution through local channels, involving “five veteran cadres” (old branch secretary, old representative, old Party member, old villager, old cadre), the village two committees, and in some cases, even the temple lama for mediation.

Certainly, many conflicts and disputes in G Prefecture are resolved outside the court through mediation. However, the mediators often lack legal knowledge, relying mainly on local customs, ethics, and village regulations. Unfortunately, many of these bases conflict with legal provisions, making the implementation of documented mediation challenging. In situations where the “plaintiff” is dissatisfied, they may turn to the court again, leading to increased difficulties in trial and execution for the court.

2.3. Mismatch between workload and manpower

G Prefecture holds strategic importance as a key political, economic, military, and cultural hub connecting Tibetan areas with the mainland. Consequently, the People's Court of G Prefecture dedicates a substantial portion of its time to collaborating with local political and legal forces, engaging in duties, bridge and road maintenance, and checkpoint inventory and inspection. The chief executive of the Quanzhou court simultaneously serves as the first secretary, actively involved in targeted poverty alleviation, rural revitalization, novel coronavirus epidemic prevention, forest and grassland fire prevention, and “accompanying” management

services for grass and fungus mountains. These multifaceted responsibilities consume a significant amount of time and energy, diverting attention from the execution and handling of cases.

3. Establishing the “base + center” execution mode

The “base + center” execution mode implemented by the State People’s Court is a regional innovative practice aimed at reinforcing the management function of the intermediate court amidst the judicial reform in the new era. This approach aims to drive reforms in the executive management system below the state (city) level, introduce innovation in executive cadre training, enhance the capabilities of executive police, improve the overall efficiency and quality of case handling, and construct a formidable execution force for the new era.

3.1. Establishing a “combat training base” to comprehensively improve the capabilities of the police

3.1.1. Staff rotation training, hierarchical management

The G State court has enforced a comprehensive rotation training program for all police officers within the year, aiming for full coverage. The Executive Board of the G State Court and the Political Department centrally manage this initiative. They are tasked with listing the base, recruiting instructors, devising training plans, coordinating, deploying, and assigning training personnel, and guiding each base in ensuring excellent logistics support. Participants are required to fulfill specified education and training tasks. During the training period, adherence to the one-day life system of the combat training base is mandatory. Participants must conscientiously comply with the base’s rules and regulations. Unauthorized departure, absence, or violation of management regulations for any reason is strictly prohibited.

3.1.2. Implementing “apprentice-style” education and training

With the dual identities of “master” and “case (project) leader,” the instructors of the base prepare lessons before training every day. During the training, they study, work, and live with the students, earnestly help the students find the difficulties and deficiencies in the discipline, patiently inspire and actively guide them, explain from different angles, and strive to let the students digest each knowledge point and solve difficult problems in learning. With the dual identity of “student” and “employee”, the participants can learn from the real office case handling environment provided by the base, and truly feel the working atmosphere, office case handling concept, and specific operation methods and skills of the courts at the same level and higher courts.

3.1.3. Implementing an “interactive” teaching mode

During the study period, the trainees will be grouped together with base instructors to form teams. The trainees will be guided to learn independently and link theories to practical applications. The relevant leaders, instructors, and trainees of the base should communicate and discuss with each other regularly. In the face of doubts and difficulties, the instructor can bring the case to the classroom and work together with the students to solve the problem.

3.2. Establishing a “regional execution command center” to improve execution efficiency

As a remote autonomous prefecture with a significant ethnic minority population, the execution of court cases faces various challenges. These challenges include a wide service radius, substantial workloads, inconvenient transportation, and uneven case distribution. Analyzing the distribution of cases handled by grassroots courts over the past five years reveals issues related to the quality and efficiency of execution, personnel composition,

case-handling capacity, and the emergence of new cases ^[3]. “1” signifies the primary management role of the Central People’s Court executive command center, while “3” represents the central control of three district executive command centers. The term “3*(1+5)” denotes the innovative case enforcement management approach in ethnic areas, where one central center collaborates with five county (city) level executive command centers. This strategic restructuring aims to enhance overall execution efficiency comprehensively ^[4].

3.3. Initiating a new office case handling model of “central court coordination, base guidance, whole-state coordination, and intensive handling”

The office case handling mode of “central court coordination, base guidance, whole-state coordination, and intensive handling” is a newly implemented approach by the execution command center of ethnic district courts. This model is crafted based on innovative practices observed in G Prefecture’s courts, specifically in the areas of working environment, personnel management, and case situations ^[5]. The execution command center of the State Central People’s Court takes on the primary responsibility for the “three unifications” and “main management.” It coordinates the three crucial elements of the state court’s execution line — namely, “people, things, and cases”—with a focus on organizing, guiding, managing, and supervising the execution work. The counties (cities) of Kangding, Luding, and Danba are designated as the “core” of the district’s executive command center, leveraging their high theoretical expertise and extensive experience in case handling. They guide the district’s executive command center to consolidate the three functional areas of executive command, executive affairs, and executive management intensively, aligning with the principles of convenience and efficiency.

Two departments, namely the office and the case handling team, are established to handle personnel deployment, data upload and release, speedy execution of cases, and quality control — tasks that cannot be efficiently completed outside the office ^[6]. The execution command centers in the 15 counties adopting the “base + center” approach concentrate on managing complex cases and addressing matters that require intensive handling, following the instructions and requirements of the regional centers. This approach not only standardizes case management but also optimizes personnel allocation, ultimately enhancing the quality and efficiency of case execution.

4. The enhancement of enforcement police quality and case handling efficiency through G Prefecture’s “base + center” model

4.1. Smoother external linkage of the court

The county (city) executive joint meeting member units actively address issues like locating executed individuals, investigating and controlling assets, and implementing credit penalties. Efforts are made to resolve issues like delayed feedback, slow responses in linkage, and incomplete data sharing. This process is improving the overall pattern, where attention is given to the joint meeting leader, concern is directed to the two-level court president, and sponsorship is provided for the two-level executive director ^[7].

4.2. The internal communication of the court is more efficient

More emphasis is being placed by the Party group of the state’s county (city) court on work implementation. The filing, trial, and administrative logistics courts display increased cooperation. The resources, both in terms of manpower, finances, and policies from the state court have been consistently directed toward the implementation line ^[8]. As of the first half of 2022, the state’s courts have a total of 169 executive police officers, constituting 17.60% of the overall personnel. This surpasses the “bottom line requirement” that the

active police officers in the Executive Board should account for at least 15% of the total police officer count in the court.

4.3. Overall improvement in the quality and effectiveness of court enforcement in the state

As of the first half of 2023, the state's courts received a total of 2,164 enforcement cases, successfully executing 1,601 cases with an enforcement amount totaling 264.6 million yuan. The arrival rate has notably increased, progressing from the 22nd position (6.25%) in the province in 2020 to the fourth (29.1%), signifying sustained and steady development in the state's implementation efforts. In the province's courts' 23 key indicators from January to June 2022, State G secured first place in 12 indicators and second place in 2 indicators. Addressing previous weaker indicators, the implementation rate of the first execution case saw notable improvement, rising from 6.25% to the current 29.1%, elevating the state's ranking from 22nd to fourth. Similarly, the implementation rate of reinstated enforcement cases increased from 6.37% to 12.47% over the same three-year period, moving the state's rank from 22nd to 16th [9].

4.4. Results of implementing the “base + center” model

In the “base + center” operational mode, trainees from the four base command centers actively engaged in the handling of 392 diverse execution cases, resulting in a total execution amount of 110.184977 million yuan [10].

5. Peroration

The initial outcomes of the state court's “base + center” execution and management model are promising, yet certain issues persist in the work. Challenges include an immature model design, an incomplete system, and mechanism, insufficient operation and management, and uncertainties related to breaking through personnel management barriers. Questions also arise regarding the rationalization of “personnel cases” management and the refinement of the year-end assessment method.

Disclosure statement

The author declares no conflict of interest.

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