



Study on the Optimal Path of Solving Social Conflicts and Disputes in Zhejiang Online Court

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Abstract. Zhejiang province takes online court as a new mode and method to solve social conflicts and disputes, but there are still many deficiencies due to the restriction of various conditions. Taking the People’s Court of S City, Zhejiang Province as an example, through in-depth investigation and analysis, the operation of the People’s Court has problems such as lack of stable technical support, lack of perfect information exchange mechanism, lack of technical dispute solving talents, and neglect of public participation. This paper analyses the root causes of the problems in depth, and puts forward effective suggestions such as breaking through functional bottlenecks, promoting regional linkage governance, and increasing talent supply, so as to vigorously promote the improvement of the level of intelligent governance and the ability to manage social conflicts in China.

Keywords: Governance of social contradictions · Online courts · Intelligent governance

1 Introduction

The reform and opening up process continues to advance, China’s economy is developing rapidly, but the level of social conflicts and disputes still lags behind to a certain extent. Faced with a large number of disputes to be resolved, the traditional court is difficult to achieve a high level and wide coverage of the dispute mediation effect. Since the 19th National Congress of the Communist Party of China (CPC), China has focused on “intelligent governance”, emphasizing the realization of “socialization, law-based, intelligent and professional” process in social governance, gradually promoting the new mode of intelligent social governance, and emerging a series of social conflict and dispute resolution mechanisms combined with the social status quo. Among them, the online court model, as a new conflict-dispute resolution mechanism launched in China’s judicial field, combines the functions of online adjudication and extended courts through the digital transformation of national government organs and social public services, so that judicial services can be more widely spread. It has made progress in improving judicial access, seeking legal justice, reducing the cost of court services, and settling disputes with high quality and speed.

2 Perspective of the Current Situation: Take the Online Service of the People's Court of S City as an Example

2.1 Operation Mode of Dispute Settlement Before Lawsuit

2.1.1 Assessment of Litigation Risk

Before filing, the People's Court of S City provides online litigation evaluation service. Obtain the specific information of the case in the form of questionnaire, conduct intelligent assessment of the litigation risk of the case, and summarize a more detailed litigation risk assessment report for the reference of the parties. The party concerned may choose whether to continue to register and prosecute according to the report recommendations. The litigants can choose to enter the pre-litigation mediation procedure when the litigation risk is high and resolve conflicts and disputes through the non-litigation dispute resolution mechanism. If the parties do not want to choose mediation, they still enter the proceedings [1]. Because the intelligent litigation risk assessment is mechanical and inflexible in practical application, it cannot effectively answer the questions of litigants. In judicial practice, most parties often choose to directly enter the proceedings.

2.1.2 Establishment of Mediation Team

The People's Court of S City integrated personnel resources, gathered grass-roots forces such as village leaders, lawyers and township sages to solve disputes, and cultivated a group of "grass-roots legal leaders" with good mass foundation and high social prestige. The online court is actively used to carry out online mediation, with the mode of "department staff + social mediation resources", to divide contradictions and disputes. Mediation teams of courts with different types of contradictions are targeted, including specially invited people's mediators and mediation teams with professional knowledge.

2.1.3 Application of "Dispute Resolution Code of Zhengjiang"

After the parties choose to enter the non-litigation dispute resolution mechanism, they can present the dispute through the platform, and choose between online mediation and offline mediation, so as to deal with the dispute in a more convenient and appropriate way. For online mediation matters, the background will be intelligent, according to the reference factors including the place of dispute, jurisdiction, etc., the related matters will be intelligently distributed to the appropriate mediation institutions, and the mediator will organize the parties to conduct online mediation through online video chat and other ways, and sign documents online. If the party chooses offline mediation, the backstage shall also appoint a mediation center, but the party shall make an online appointment in advance and handle the mediation offline. If the parties register and reflect conflicts and disputes through offline visiting channels, and the parties have reasonable requirements, they can also enter the online platform after the application, and continue to complete the subsequent mediation online. However, it should be noted that the mediation period shall not exceed 30 days from the date when the mediator receives the case, and the mediation period may be extended unless the circumstances are special and both parties agree.

2.2 The Form of Operation of Court Proceedings

2.2.1 Function Category

S City's "online services" of the people's court based on WeChat APP, after real-name authentication of user, it becomes everyone's exclusive APP, providing an independent space for their cases. At the same time, the APP supports online judicial services of traditional litigation business such as online paper marking and online trial, and also connects social resources such as audit, inspection, appraisal and evaluation to realize one-stop entrustment. But the judge, the clerk is still unable to use "people's court online service" to do schedule of court hearings, to write judgment documents, to refund of legal costs, and to do distribution of execution funds, "People's court online service" still cannot replace the litigation mode of traditional computer system in important functions.

2.2.2 Mechanism of Supervision

The People's Court of S City set up an online court supervision group, and set up six inspection groups according to the mode of grouping and fragmentation to supervise the operation of online court hearings respectively. The supervision group will supervise the operation of online court hearings in real time by random sampling, visiting and copying court records in a four-way manner. The inspection time of each group shall not be limited to working days, and the number of trial cases shall not be less than 10 in principle.

2.3 Operation Mechanism of Post-complaint Feedback

"People'S Court online Service" builds a petition platform, supplemented by document template, material list, video interview guide, etc., but the "online evaluation" function is limited to completed petitions and visits. In the function of "satisfactory evaluation" for the overall service, the masses cannot check the evaluation records of other people, and their own problems often lack timely positive feedback from the court.

2.4 Operational Result of Last Three years

It can be seen that after the optimization of online courts, the effectiveness of litigation source governance gradually appears.

This above chart shows that the construction of online courts in S City has achieved remarkable results. Among them, in 2021, through continuous optimization of online courts and the comprehensive laying of "shared courts". Last year, during the first-class response period of epidemic prevention and control, the People's Court of S City removed 2640 online cases, and there were 3464 online mediation, which further improved the online mediation and the quality and efficiency of litigation source management. In addition, the time spent by the people's court in trying criminal, civil and administrative cases of first and second instance in 2021 was shorter than that in 2020. The decrease is relatively large: the criminal first instance cases are shortened by 11.1 days, the administrative first instance cases are shortened by 9.4 days, and the civil first instance cases are shortened by 7.1 days, all shortened by more than a week, and the judicial efficiency is greatly improved.

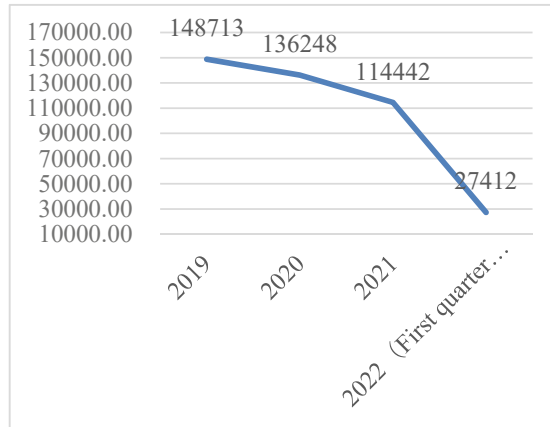


Chart 1. Cases received by s municipal court from 2019 to 2022 (unit: Cases)

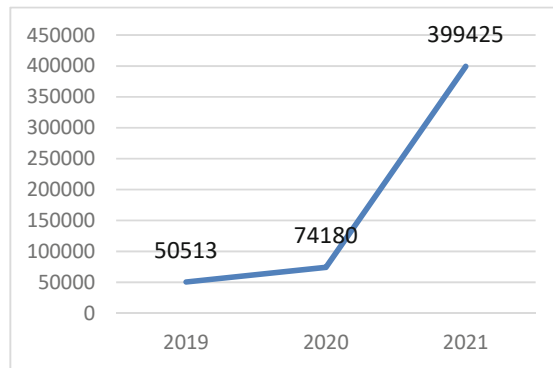


Chart 2. Number of online cases filed in S City from 2019 to 2021 (unit: Cases)

3 Problem Reflection: Difficulties in the Operation of Online Courts

3.1 Lack of Technical Support for Stable Operation of Programs

The online court takes smart phones as the carrier and focuses on the current popular mobile social software to realize the online mode of the whole process of litigation activities in no specific place. Instead of downloading additional software, most people use wechat APP to access online courts. But in the real operation process, because of various kinds of cases at the same time, the great amount of information interaction, small programs tend to be overwhelmed, failure load, load delay and other problems, or through other port to send files to the small program, cannot send and send delay, it will increase the tired of parties, and even affect the outcome of the trial. However, it is more difficult to apply electronic procedure to solve some litigation matters which require high procedure guarantee and difficult to start error correction procedure [2]. For

example, in the “online trial” function, the quality of the trial is easily limited by the speed of the party’s Internet connection and the pixel definition of the device port. The lack of clarity of the trial and the lag will hit the effect of the trial, affect the efficiency of the trial, and even cause the extreme situation of judicial fairness.

3.2 Lack of Perfect Horizontal and Vertical Information Interaction Mechanism

There are defects in the online court information mechanism. Horizontally, there is an obvious “regionalism”, that is, in terms of governance resources, there is a strong regionalism with a low degree of openness and sharing [3]. Because the information and measures are different from each other, the system is closed to some extent. The blocking of trans-regional electronic transfer channels hinders the improvement of the efficiency of district court cooperation. Even in Zhejiang Province, which is in the forefront of online court construction, the digital transfer of cases is still at the criminal level. From the vertical point of view, there is an imperfect information feedback mechanism. Different from the traditional ODR or ADR model, the online court is a public service led by the government and the state. The design goal is to use Internet technology to reconstruct the court and make it easier for non-professionals to use, rather than just implant the technology into the existing court process. Therefore, a good information feedback mechanism is necessary to improve its openness to the public and improve its service level. However, at the present stage, there is a lack of good information feedback mechanism, and the public cannot feedback the inappropriate rules and clauses to the enactment organs for review in a convenient way, in order to make more revisions in line with social reality. The dynamic applicability of the rule of law is difficult to ensure, which to some extent slows down the high-quality resolution process of social conflicts.

3.3 Lack of “Law + Internet” Technical Solution Talent

Intelligent high-tech provides great development opportunities for intelligent governance, but it cannot cover up the “law + Internet” dispute resolution road has a large range of talent gap. For a long time, the legal profession continued to work in a relatively traditional way. At the same time, many legal practitioners are biased against models such as online courts and resist radical transformation. Under the common action of many factors, the training system of legal talents in China has not been integrated with modern technology. With the gradual promotion and upgrading of the online court model, the demand for technical talents is increasing. As the commencement of the latest wisdom of S City model – “sharing” the court of law, set up supervision team, and establishes six supervision group, each group of monitoring time not less than 2 working days, check the quantity not less than 10, still need to submit investigation report regularly, which requires the members of the inspection shall be familiar with electronics online court, litigation related process technology. However, due to the lack of professional knowledge and talents, a large number of non-professionals and dispute resolution personnel in the dispute mediation team of S City have various difficulties in using the online trial system, and the efficiency and quality of dispute resolution cannot be guaranteed. Such problems cannot be solved by market division. Some courts have tried to turn to the

market for digital services, but the lack of legal expertise among most tech company employees has further undermined the efficiency of handling cases.

3.4 Ignoring Public Participation in the Construction and Operation of Online Courts

Technological improvement is the cornerstone of intelligent governance in the path of intelligent dispute resolution by rule of law. And the technology that wisdom changes management applies must depend on the person and express its intention adequately. However, as a policy trend, the construction and intelligent development of online courts have always been led by government departments, with an obvious “top-down” color. People are always in a “arranged” position, and the original intention of “benefiting the people and benefiting the people” is often forgotten. In the actual construction process of the court online, some departments used data statistics to highlight governance innovation in order to meet the work indicators, ignoring the rights of the public as the subject of participation should be guaranteed, resulting in low satisfaction and insufficient participation of the public. As a result, the online court model has blurred its actual positioning of social improvement, but has evolved into a pure means of pursuing technological progress. Nowadays, the development of online courts has caused “development dilemmas” such as atomization of individual residents, differentiation of needs and fragmentation of governance.

4 Quality and Efficiency Upgrade: Online Court Optimization Suggestions

4.1 Break Through Functional Bottleneck and Strengthen Technical Support

Although Zhejiang province “People’s Court service online” wechat APP has more than 30 functions, such as online filing, case inquiry, online delivery, mobile phone marking, laws and regulations inquiry, court navigation, application execution and so on. However, with the increasing demand of litigants for transfer litigation, this online court model should be constantly upgraded and improved to expand the boundary of its function application [4].

First of all, promote the digital transformation and application of more functions. During the use of “People’s Court Service Online” micro program, developing more close to the trial needs and popular functions for the people, to meet the increasingly diversified litigation needs of litigants. Secondly, it pays attention to the integration of humanization and convenience, takes the initiative to conduct research, pay attention to feedback and actively innovate, and promotes the simple and efficient application and implementation of online functions. For example, it allows the public to use online court’s judicial disclosure, litigation risk assessment, public interest litigation and other services without having to pass facial recognition verification. Finally, pay attention to the timely updating of software and hardware, such as upgrading small programs or transforming them into more stable and mature software systems.

Of course, Internet technology is still in the process of continuous development, and the online court inevitably has various functional defects in the process of its construction

and perfection. However, as an intelligent form of resolving social disputes, online courts can still break through practical bottlenecks, expand functional boundaries and improve service quality by constantly improving technology and service standards.

4.2 Promoting Regional Cooperation and Interconnected Governance

Online court practice should explore the construction of regional particularity in fully embodies the region at the same time, the common trend of formation of inter-regional cooperation, to meet the demand of different regions, different masses and the judicial, active united society of professional power to promote cooperation with the formation of multi span personalized application scenarios, and improve the mechanism of information exchange, information resources and convenient interaction between regions. In addition, it can also try to jointly build with multiple platforms such as administrative dispute resolution contact station and future village housing construction, so that judicial practice can give more connotation to online courts, build an online litigation mode with full intellectualization and full space-time interaction, and continuously improve the application efficiency of online litigation.

Differences in behavior arise as higher courts focus on overall planning and data standard unification, while lower courts focus on more practicality, pursuit of “characteristics” and weighing costs and benefits [5]. As a result, it is necessary to adjust the goal of the basic court. In the reality of “meritocracy” at grassroots level, strengthening the policy guidance of regional cooperation is an easy and effective way. The communication and mutual learning between courts will help to improve the construction of unified information.

Regional linkage focuses on data interchange. The digital integration of resources that can be shared in each region and the establishment of a shared database can realize the digital management of resource information sharing between different regions. Local areas update regularly according to their own conditions, realize real-time resource sharing, provide basic information conditions for each region to solve social conflicts, and help solve the problem of “information island” in the process of intelligent governance of social conflicts.

4.3 Add “Customer Service” Guidance, and Increase Talent Supply

In the absence of real-time guidance, it is often difficult for the parties to carry out litigation, a professional self-service, which is also an inherent defect of online business. Even though the platform issues operating guidelines and user manuals, non-professional parties still prefer offline Windows to handle relevant procedures under the immediate guidance of the front desk staff, rather than the whole text explanation that requires self-understanding. Therefore, arranging online personnel to guide the public to correctly use mini procedures and make them experience the convenience of online handling is the key to rejuvenate online court application.

4.3.1 Add “Novice Guide” Process, and Improve Consultation Mechanism

For newly registered users, online courts are required to design a “tutorial”, which explains basic functions, operation steps and relevant matters needing attention with

concise graphic guidance. There should also be support for “skipping” so that professionals can jump right into use. Organize volunteers with relevant legal background to act as “online customer service”, arrange triage before litigation, strengthen relevant interpretation work, and evaluate litigation risks and costs for the parties; Provide information on the progress of the case and prompt relevant necessary procedures during the lawsuit; After the lawsuit, we will accept the feedback of opinions, add a hotline and other diversified ways, and constantly improve the people’s recognition of online court and the awareness of sincere participation.

4.3.2 Establishing a Multidisciplinary Talent System

In order to improve the efficiency of dispute resolution, it is necessary to solve the shortage of “law + Internet” talents and establish a systematic and standardized multidisciplinary talent system. First, establish a cooperative training mechanism between courts and law schools, jointly build a talent training base, and promote the in-depth integration of online court dispute resolution practice and theory; Second, improve the online court talent selection mechanism, check the professional degree of the judges in the specific talent selection operation, focus on selecting legal talents with information technology background to join the dispute resolution team, focus on discovering and selecting legal professionals with open and innovative thinking; The third is to form an online court think tank, timely summarize the experience of online court dispute resolution, regularly organize experts and scholars to carry out discussions, and continuously track and study the cutting-edge development of intelligent courts at home and abroad and share their wisdom.

4.4 Draw Lessons from “Shared Court”, Implement Benefit and Wisdom for People

At present, online courts use traditional feedback methods to listen to people’s voices and collect public opinions through other network platforms or letters and visits, but they cannot realize the core function of “expanding courts”. Compared with traditional online courts, the idea of “court at the doorstep” of “shared court” realizes direct interaction between the public and the court, opens the channel of people’s voices, and intelligently receives feedbacks from the public on various social conflicts and disputes.

4.4.1 Establish the Concept of Open Interaction

It emphasizes that the intelligent reform of court dispute resolution is not only driven by technology, but also uses technology to deeply empower all members of society, emphasizing the working purpose of governance is for the people, and people-oriented service attitude. By use of Internet big data and new media to establish a good information sharing system and efficient feedback mechanism to improve the interactivity of information. In the case of improving the original feedback way, set up relevant prescription and reward and punishment system, supervise and urge the regular collection of feedback opinions.

4.4.2 Focus on Mass Management

The diversity of social contradictions determines the difference of people's demand for information and the content of feedback. Differences in age, occupation, gender, education level and other aspects will inevitably lead to differences in people's right to know and demand for feedback. Therefore, relevant information should be selected and pushed to achieve mass and differentiated dissemination of information.

4.4.3 Create Cloud-Based Law Popularization Classes

As a pioneer in the judicial field, online courts need to take the initiative to assume the responsibility of promoting law and governance. To create a "shared court" of grassroots cadres and the masses rule of law literacy "cloud classes", give full play to the role of intelligent governance service site of education and propaganda front, boost the construction of people's life and culture soft environment. In solving disputes, we need to pay attention to the governance of the source of litigation, improve the comprehensive quality of the public, create an atmosphere of understanding the law and law-abiding, and resolve the conflicts before they occur.

5 Conclusions

The online court of Zhejiang province is a dispute resolution model that combines the functions of the online court and the extended court through the digital transformation of national government agencies and social public services. Moreover, in the process of actively exploring the wisdom governance of grassroots contradictions in China, Zhejiang online court is an effective practice. It is not difficult to see from the collected data of S City that the application and promotion of online court has effectively boosted the governance of litigation sources. However, as a new intelligent governance model, there are also shortcomings that need to be corrected. Its operation is lack of stable technical support, need to break through the functional bottleneck; Lack of perfect information interaction mechanism, need to promote regional linkage governance; Lack of technical solution of dispute talent, the need to increase talent supply. To realize the organic combination of intelligent governance and mediation of social conflicts and disputes. Taking S City as an example, on the basis of the existing experience of "online court", it guides the innovation and expansion of China's electronic litigation paradigm, optimizes the grass-roots governance system, and promotes the rule of law of grass-roots conflicts and disputes on the path of wisdom, standardization and integration.

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