

Research on Legal Aid in Zhoukou Countryside

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Abstract: With the study and practice of the scientific outlook on development activities in depth, governments at all levels pay more and more attention to the livelihood of the people. It is the duty of the government departments to implement the scientific outlook on development and establish the correct view of achievements earnestly. It is the fundamental requirement for the establishment of a harmonious society. As an important means to ensure people's livelihood, legal aid has attracted wide attention from governments and all sectors of society at all levels. The central government has put forward the slogan and strategic deployment of "building a new socialist countryside". The society pays more attention to the issue of "agriculture, rural areas and farmers". However, the foothold of the issue of "agriculture, rural areas and farmers" is the problem of farmers. However, as one of the vulnerable groups in society, farmers need legal help from others or other institutions when they want to protect their legitimate rights and interests by law. At this moment, rural legal aid is becoming more and more important.

Keywords: Rural Legal Aid New; Rural Construction; Government Responsibility

1. Overview of the Basic Theory of Zhoukou Rural Legal Aid

1.1 Definition of Rural Legal Aid

Some people think that rural legal aid refers to "legal help given to those who have less than a certain amount of income after litigation. It is also believed that the legal aid institutions, legal aid workers and voluntary social workers set up by the government provide free legal help for the parties in some special cases or the people with financial difficulties, so as to ensure the realization of their legitimate rights and interests. Some scholars believe that under the guidance of legal aid organizations established by the state,

lawyers, grassroots legal workers, notaries and other legal service personnel provide legal help by reducing or reducing fees for parties to special cases or people with financial difficulties. Their main difference lies in the aid object, aid method, aid personnel and so on.[1] It can be seen from the analysis that legal aid refers to the system in which the aid giver or institution provides legal help to a specific group of people to protect their legitimate rights and interests, namely, the system in which the aid giver or institution provides legal help to a specific rural group to protect their legitimate rights and interests.

1.2 Nature of Rural Legal Aid

Opinions vary on the nature of legal aid, which can be summarized as follows: First, legal aid is "a kind of charitable behavior. The definition of legal aid acts as charitable acts starts from the initial state of legal aid, that is, in Britain, private lawyers provide free defense to poor defendants on trial out of the heart of humanity and charity. Second, legal aid is "a social security system.[2] The definition of legal aid as a social security system is based on whether the recipient can get social help, that is, to ensure that the recipient can get social help. It does not reflect the uniqueness of legal aid behavior, because the current social insurance system, the elderly enjoy pension and other social security. Third, legal aid is "an act of government. The single act of legal aid is regarded as government behavior, which ignores the other aspect of the nature of legal aid -- the social responsibility of legal aid. Legal aid should not only be the state. And "it should be seen as the responsibility of society as a whole. Fourth, legal aid is a kind of legal aid behavior which is led by the government and combined with the society.

2. Analysis of the Existing Problems of Zhoukou Rural Legal Aid

2.1 The Scope of Rural Legal Aid Mechanism Is Too Narrow

Citizens whose basic living conditions have reached the level of hardship claim matters related to basic survival, and according to this criterion, people generally referred to as destitute persons may apply for legal aid. Of course, this criterion excludes a large proportion of the rural population from legal assistance. The particularity of farmers' life determines the diversity and complexity of disputes. However, the scope of registration stipulated by the regulations excludes many disputes arising from farmers' life except those related to their basic survival. This dilemma is the lack of legislation.[3] The scope of legal aid stipulated in the Regulations is far from meeting the needs of the recipients, and local governments have also formulated Legal Aid Measures to make up for the narrow scope of the Regulations. Although local governments have expanded the scope of legal aid correspondingly, we have learned through research that there have been new changes in the hot issues related to law in rural areas. In addition to the traditional neighborhood, debt, marriage and family, land contract and other disputes, due to urbanization construction, old village reconstruction, rural shareholding system reform and other aspects of land expropriation and demolition, environmental pollution, land right confirmation, villagers' treatment, economic union shares dividend and other disputes are also increasing. Due to the increase of non-agricultural land such as land used for development by enterprises and land used for construction of urban residential communities, a large amount of rural land has been requisitioned. Landless farmers either go to factories to work in cities or make a living by renting their houses to migrant workers. At present, land expropriation compensation disputes, homestead disputes and lease contract disputes are the most prominent three types of agriculture-related legal disputes in rural areas.

2.2 The Target of Rural Legal Aid Is Not Comprehensive

The narrow object of rural legal aid mainly means that only natural persons who need to apply for legal aid are included in the object of legal aid. There are also various village enterprises in rural areas. If they fall into serious economic difficulties, they will face the problem of whether village enterprises can apply for rural legal aid. However, scholars hold different views on whether corporations and social

organizations should be the object of legal aid. Some scholars advocate that the object of legal aid should be limited to natural persons. The reasons it holds are as follows: First, Chinese legal aid is still in the early stage, in the case of limited funds and manpower, limited resources should first be used for the legal aid of the citizens in the most urgent need; Second, from the essence of legal aid, it is a human rights protection system, providing legal aid is to enable the rights of citizens or natural persons to be realized equally and fairly; Third, in foreign countries, most countries limit the object of legal aid to citizens or natural persons.[4]

2.3 The Rural Legal Aid Procedure Is Too Cumbersome

Legal aid specifically lists five types of aid applications: those seeking state compensation; A request for social insurance benefits or subsistence security benefits, or a request for pension or relief fund; Claims for alimony, child maintenance or maintenance payments; Where payment of Labour remuneration is requested; Claiming civil rights and interests arising from acts of voluntary felon-fighting. Five different legal issues, the parties need to apply to different institutions, such a cumbersome application procedure, certainly not conducive to the development of legal aid work, especially for farmers with low education level, let alone know where to start.[5]

Article 17 of the Regulations on Legal Aid stipulates that citizens applying for legal aid for agency and criminal defense shall submit the following documents and certification materials: first, ID cards or other valid identity certificates, and the applicant for agency shall also submit a certificate of agency power; Second, evidence of economic hardship; Third, the case materials related to the legal aid matters applied for. The application is made in writing or orally. Then, it also stipulates how to do after legal aid agencies receive legal aid applications: how to deal with incomplete documents and certification materials; How to deal with those who fail to make supplements or explanations as required; How to deal with the documents and certification materials submitted by the applicant that need to be verified..... It is not difficult for us to see that the legal aid procedures stipulated in the Legal Aid Regulations are relatively simple and rigid, and the provisions on the application, approval, refusal and examination

and closure are too general and lack of operability. In addition, there is a lack of complementary provisions in the areas of oral procedures, urgent procedures, special procedures and summary procedures. For farmers, who are restricted by culture, region, tradition and other factors, it is even more difficult to apply for legal aid.

2.4 Legal Aid Funds In Rural Areas Are Not Effectively Guaranteed

Due to the weak funding of rural aid, the development of rural legal aid is limited. To carry out the rural legal aid work, the first thing is to guarantee the funds. The publicity of legal aid, the establishment of legal aid institutions, the office equipment of aid, the basic salary of staff and various subsidies for handling cases all need the expenditure of aid fees. In addition, according to the statistical analysis of China Legal Aid network, the amount of case handling subsidy for some grassroots legal service workers involved in legal aid cases is 329 yuan, while that for social lawyers involved in case handling assistance is 644 yuan. There is a big gap between the two. In rural areas, most legal aid workers are grassroots legal workers. For the sake of livelihood, many grassroots legal workers are not willing to pay their own money to subsidize aid cases, and those who often seek legal aid are usually in order to get free help. They also have extremely limited economic conditions. Due to such economic restrictions, the quality of legal aid cannot be effectively guaranteed. Legal aid work in rural areas is also difficult to carry out.

3. Zhoukou Rural Legal Aid Problems Put Forward Suggestions

3.1 Expanding the Scope of Rural Legal Aid

Rural legal aid is limited to litigation cases. It should be relaxed to give legal aid to farmers before litigation, which is more conducive to solving conflicts and germination, saving our judicial resources, and making due contribution to better building a socialist harmonious society. County, rural legal aid work demonstrated the effectiveness, every lawyer, legal workers, legal aid center staff went to the countryside, the implementation of the village legal counsel system, take one day or more time every week, to the countryside for the rural masses to popularize law education, and the village to

meet the conditions of the rural masses of legal aid, simplify procedures, facts over forms. In a word, in view of the characteristics of rural contradictions and disputes, the scope of recipient areas should be appropriately relaxed, and legal aid in criminal cases should not be limited to those special circumstances. At the same time, civil dispute cases, which account for the majority of rural contradictions and disputes, should not be based on economic basis only. Economic basis can be considered as one of the conditions for receiving aid, and more farmers should feel the rights granted by the state.

3.2 Relaxing the Target of Legal Aid in Rural Areas

Throughout the practice of rural legal aid of our country, we should first include the homestead disputes, land contract disputes, neighborhood disputes, migrant workers' wage disputes and so on, which are often encountered by rural residents and migrant workers, into the scope of legal aid. Secondly, in view of the reality of the expanding legal needs in rural areas, adhere to the policy of slanting legal aid to rural areas and farmers, and harm the interests of farmers in terms of labor service due to signing, performing, changing, rescinding and terminating contracts. The scope of legal aid shall be extended to those who suffer economic losses due to inferior quality of agricultural production materials such as seeds, fertilizers, pesticides and feed, and those who suffer damage to their legitimate rights and interests due to domestic violence, abuse and abandonment. By bringing legal disputes frequently encountered in daily life with farmers into the scope of legal aid, expand the coverage of rural legal aid work. Thirdly, in order to achieve the goal of protecting farmers' rights, in addition to the 7 categories of matters stipulated by the Ministry of Justice, the scope of legal aid for farmers should also be expanded to include matters concerning farmers' burden, cases concerning infringement of farmers' independent management rights, and cases concerning infringement of farmers' voting rights, in view of the reality of the current infringement of farmers' rights and interests. Especially involving the above cases of public interest litigation cases.

3.3 Appropriate Simplification of Rural Legal Aid Procedures

To change the current situation that the

application procedure of legal aid system in our country is complicated and lacks maneuverability, it is suggested that the implementation of the "one-stop service" of legal aid in various places will concentrate the application, acceptance and approval procedure of legal aid, and the legal aid agencies will provide a "one-stop" service. In the application procedure, for the criminal legal aid cases designated by the people's court, the legal aid institutions in the place where the people's court is located shall handle them uniformly; For legal aid in other types of litigation, the applicant may apply on his or her own to the legal aid agency in the location of the court having jurisdiction, abolishing the previous requirement to apply to a different agency depending on the nature of the case.

3.4 Raising Legal Aid Funds Through Multiple Channels

The development of legal aid system has undergone a process from the moral behavior of individual lawyers or charity behavior of social groups to the responsibility of the state to citizens. Legal aid system is not only a basic judicial system, but also an important social security system closely related to citizens' rights and interests in the long run of social development. Just as Marx said, "the economic base determines the superstructure". If the legal aid funds are not adequately guaranteed, the implementation of the legal aid system will become a paper plan. Although modern legal aid has developed into a national responsibility, and the government should fully bear the function of legal aid, in terms of legal aid funding, most

countries in the world adopt the method of "government-led, social participation", that is, government financial allocation as the main source of legal aid funds, and at the same time absorb part of social donations. Including private donations, industry contributions and other sources of capital income. Now our country is in a period of social development transition. Although the scale and speed of economic development have grown rapidly in recent years, in fact, compared with some developed countries, economic development is still relatively backward, and the financial appropriation of legal aid fund is subject to certain restriction. The financing of rural legal aid can not only rely on the financial allocation of the government, we must establish a multi-channel financing guarantee mechanism for rural legal aid, in order to provide a strong backing support for the development of rural legal aid.

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